

## HOUSE OF REPRESENTATIVES.

FRIDAY, June 21, 1912.

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, let Thy Kingdom come in our hearts that we may be filled with wisdom and purity, justice and mercy, patience, courage, fortitude; that we may hallow Thy name and fulfill the law of Christ, "All things whatsoever ye would that men should do to you do ye even so to them." This we ask in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

## CONFERENCE REPORTS, PENSION BILLS.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference reports that have been printed under the rules. The first one I desire to call up is the bill H. R. 18712.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

## CONFERENCE REPORT (NO. 904).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

WILLIAM RICHARDSON,  
IRA W. WOOD,

*Managers on the part of the House.*

P. J. McCUMBER,  
HENRY E. BURNHAM,

*Managers on the part of the Senate.*

The statement is as follows:

## STATEMENT.

Amendment No. 1, Frank A. Schaller (H. R. 11007): The House passed this at \$24. The Senate reduced the amount to \$12 on the ground that the soldier's disability does not warrant a higher rating; and the House concurs and recedes from its disagreement to the amendment.

Amendment No. 2, Noah H. Stout (H. R. 11710): The House passed this at \$24 per month. The Senate reduced the amount to \$12 per month on the grounds that the soldier's physical condition does not warrant a higher rating; and the House recedes from its disagreement.

Amendment No. 3, Louis T. Moseley (H. R. 12721): The House passed this at \$20. The Senate reduced the amount to \$12 per month on the grounds that soldier's disability from pensionable causes does not warrant a higher rating. The soldier was rated \$24 by the examining board for nephritis; and the Senate recedes.

Amendment No. 4, John H. Dardis (H. R. 15732): The House passed this at \$15 per month. The Senate struck the item from the bill on the grounds that the soldier's condition is not due to his service. He is badly crippled; and the Senate recedes.

WILLIAM RICHARDSON,  
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the bill H. R. 20628.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

## CONFERENCE REPORT (NO. 905).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

WILLIAM RICHARDSON,  
IRA W. WOOD,

*Managers on the part of the House.*

P. J. McCUMBER,  
HENRY E. BURNHAM,

*Managers on the part of the Senate.*

The statement is as follows:

## STATEMENT.

Amendment No. 1, Oliver P. Allen (H. R. 16228): This is the case of a Mexican War veteran. The House passed the bill at \$30 per month. The Senate struck the item from the bill on the grounds that the soldier can get the same rate by applying at the bureau, and the House recedes.

Amendment No. 2, Anne Flannigan (H. R. 17723): This is merely the customary proviso, that in case of death of helpless child the additional pension shall cease. The House recedes from its disagreement.

WILLIAM RICHARDSON,  
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the bill H. R. 22867.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

## CONFERENCE REPORT (NO. 902).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

WILLIAM RICHARDSON,  
IRA W. WOOD,

*Managers on the part of the House.*

P. J. McCUMBER,  
HENRY E. BURNHAM,

*Managers on the part of the Senate.*

The statement is as follows:

## STATEMENT.

Amendment No. 1, the case of Hugh L. Freeman (H. R. 15658): The House passed this at \$30 per month. Since it passed the House a law has been enacted which gives soldiers of the Mexican War \$30 per month, and hence the item was stricken from the bill. The House recedes from its disagreement.

Amendment No. 2, Nathaniel L. Lawrence (H. R. 4324): The House passed this at \$12 per month. The Senate struck the item from the bill on the grounds that disability was not incurred in the service. The Senate recedes from the amendment.

Amendment No. 3, Louis O. Edgar (H. R. 18750): The House passed this at \$30 per month. The Senate cut the amount to \$20 on the grounds that the examining board recommended a

total rating of only \$18 per month, and the soldier's condition does not warrant a higher rating. The House recedes.

WILLIAM RICHARDSON,  
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference report on the bill H. R. 23515.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report. The Clerk read the conference report, as follows:

#### CONFERENCE REPORT (No. 901).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, and 10, and agree to the same.

WILLIAM RICHARDSON,  
IRA W. WOOD,  
*Managers on the part of the House.*  
P. J. McCUMBER,  
REED SMOOT,  
*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

Amendment No. 1, Hugh J. McKane (H. R. 538): The House passed this at \$18 per month. The Senate reduced the amount to \$12 on the grounds that there was some question as to a higher rating being warranted. The Senate recedes.

Amendments Nos. 2, 3, 4, 5, 7, and 8 are merely corrections of errors and in no way affect the amounts carried by the items. The House recedes from its disagreement to these amendments.

Amendment No. 6, Thomas H. Davis (H. R. 7668): The House passed this at \$20 per month. The Senate reduced the amount to \$12 per month on the grounds that disability did not warrant a higher rating. The House recedes from its disagreement.

Amendment No. 9, Evelyn Barnette (H. R. 15765): The House passed this at \$50 per month. The Senate struck the item from the bill on the grounds that the report showed a financial condition which did not warrant granting an increase of pension. Since that time evidence has been filed with the conferees showing that the property held by the widow did not belong to her. The Senate recedes from its amendment.

Amendment No. 10, Noah Y. Ream (H. R. 17529): The House allowed \$30 per month to a soldier of the Mexican War. The Senate struck the item from the bill on the grounds that the soldier can now receive the same amount by applying at the bureau. The House recedes from its disagreement.

WILLIAM RICHARDSON,  
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference report on the bill H. R. 22194.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report. The Clerk read the conference report, as follows:

#### CONFERENCE REPORT (No. 903).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22194), granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain

soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

WILLIAM RICHARDSON,  
IRA W. WOOD,  
*Managers on the part of the House.*  
P. J. McCUMBER,  
HENRY E. BURNHAM,  
*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

Amendment No. 1, Alice Downing (H. R. 15514): The House passed this at \$12 per month and \$2 for each minor child. The Senate struck the item from the bill on the grounds that the soldier's death was not due to service, but the Senate recedes from its amendment.

Amendment No. 2, Thomas Joyce (H. R. 16637): The House passed this at \$50 per month. The Senate struck the item from the bill on the grounds that it is a second special act for a soldier of the Indian wars. The Senate recedes from its amendment.

Amendment No. 3 is merely a correction of a typographical error, and the House recedes.

WILLIAM RICHARDSON,  
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference report on the bill H. R. 23765.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report. The Clerk read the conference report, as follows:

#### CONFERENCE REPORT (No. 900).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

WILLIAM RICHARDSON,  
IRA W. WOOD,  
*Managers on the part of the House.*  
P. J. McCUMBER,  
HENRY E. BURNHAM,  
*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

Amendment No. 1, Alfred B. Light (H. R. 9804): This item passed the House at \$30. Since it passed the House a general pension law has been enacted which will give the soldier the same amount by making application at the bureau, and the Senate therefore cut it from the bill. The House recedes from its disagreement to this amendment.

Amendments Nos. 2 and 3, Jane R. Bonnin (H. R. 14349) and Jane R. Adams (H. R. 16409): These are cases in which the House proposes to increase the pension of widows of soldiers of the Mexican War to \$24 per month. The Senate cut both items to \$20 per month in accordance with the usual custom of that body in allowing increases to widows of soldiers of both the Mexican and Civil Wars. The House recedes from its disagreement to these amendments.

WILLIAM RICHARDSON,  
IRA W. WOOD.

The question was taken, and the conference report was agreed to.



## SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. The first business before the House is the amendment offered by the gentleman from Mississippi [Mr. Sisson].

Mr. Sisson. Mr. Chairman, I believe a point of order was pending against the amendment which I offered. I do not desire to argue it.

I ask unanimous consent to correct the amendment I offered in the committee on yesterday, as indicated.

Mr. MANN. That has already been done in the House.

Mr. Sisson. I want to correct the Record and get it properly before the Chairman of the committee, and so that it will read as the amendment which is now in the hands of the Clerk.

The CHAIRMAN. Without objection—

Mr. Sisson. I just ask that the balance of the amendment, or the portion that was left out, be read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That so much of an act approved June 25, 1910, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," and the act approved March 4, 1911, amending said act, as refers to enlarging the Capitol Grounds, be, and the same is hereby, repealed, said portion of said act being as follows, to wit:

Mr. Sisson. Now, Mr. Chairman, the point of order against the amendment strikes me as not being a point of order that is well taken, because on the face of the amendment an appropriation of \$500,000 is carried in it. This amendment which I offer reduces the expenses \$500,000. Under the Holman rule this amendment which I offer is in order. Now, the Chair will take into consideration that this act went into the sundry civil bill in 1911 as an amendment to that act. Now, since it was legislation which was put upon the sundry civil bill, this being a bill of like character and like kind, it is simply an amendment to repeal so much of the sundry civil act as refers to enlarging the Capitol Grounds. And it unquestionably reduces expenses \$500,000 a year up until the final purchase would be consummated under the present law, which would be perhaps 10 or 12 years, and the saving on the face of the amendment would be \$500,000, and on the whole legislation at least five or six millions of dollars.

Now, under the Holman rule, if the Holman rule means anything, this amendment ought to be considered in order under that rule.

Mr. MANN. Mr. Chairman, if the Chair will permit—

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. This is not an amendment to any item in the bill, hence it could not reduce any amount carried by the bill. The provision in the bill has gone out on a point of order and is no part of it.

The original provision in the bill for enlarging the Capitol Grounds was ruled out by the Chair on a point of order, and that ruling is to the effect that it never was a part of the bill. The gentleman understands that when the Chair rules a portion of a bill out on a point of order it is as though it never had been in the bill.

Now, there is no amount carried by the bill for this item for this purpose. Hence no amendment can reduce the amount carried by the bill, because the bill does not carry anything. The gentleman probably had not thought of that point, having the idea—

Mr. SIMS. There was an amendment offered.

Mr. MANN. An amendment offered from the floor is quite a different thing. There is no provision in the rules against offering an amendment from the floor. The gentleman evidently had in mind that the item in the bill remained in the bill, carrying an appropriation of \$500,000, and this would reduce that. But this proposition comes now as though that item had never been in the bill, because it was in there contrary to the rule. That has been stricken out, not by the committee, not by the House, but by the Chairman, on the point of order. The amendment offered by the gentleman also, even if the original item were in the bill, is not germane. It has been contended in some cases, and I think fairly well contended, that where you have a bill to amend a section of a law, that that may authorize the repeal of the law. But that is not always allowed, even

though you are attempting to amend a law. It is not always allowable to amend other parts of the law or to repeal a law, but there is no proposition here to amend a law. Here was an original item in the bill to make an appropriation for the purpose of carrying out a law. Does that authorize an amendment to repeal the law? I think no one can find any precedent going to that extent, and there are many precedents to the contrary. And it is not germane to propose to repeal a law based upon a proposition to make an appropriation under the law.

Mr. FITZGERALD. The part of the so-called Holman rule, Mr. Chairman, to which I wish to call attention provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The gentleman from Illinois [Mr. MANN] has pointed out that there is no provision in the bill providing for the continuation of this work, and the amendment proposed by the gentleman from Mississippi [Mr. Sisson] is not an amendment to any provision in the bill. I do not find anything in the rule which makes in order a provision or amendment to the pending amendment.

The Chair can readily see to what that would lead. He can see that amendments which, under no reasoning whatever would be in order on the bill, could easily be offered and held to be in order by an arrangement whereby an amendment that would be germane and in order would first be offered, and then some matter that could not possibly be offered by itself under the rules would be offered as an amendment to it. It seems to me that such a construction of the rules would be far beyond what was ever contemplated.

Mr. Sisson. Mr. Chairman, I think the first objection urged by the gentleman from Illinois [Mr. MANN] is a very highly technical one, because the rule is broader than that. These gentlemen now offer an amendment to this bill which carries in that amendment an appropriation of \$500,000.

Now, in order that we may save \$500,000, not only carried in the amendment offered by the gentleman from New York [Mr. FITZGERALD], but in order that we may save \$500,000 in the future—

Mr. SIMS. Five million dollars—

Mr. GARNER. Yes; \$5,000,000 in the future—

Mr. Sisson (continuing). This amendment which I offer unquestionably reduces the item which is now called or known as an amendment. Now, it is entirely too technical to say that because the present law provides for \$500,000 a year, when in accordance with that statute now in existence you offer to appropriate the \$500,000 required to be appropriated by law, it is not in order to repeal the statute requiring the \$500,000 which is then offered. To say that it is not in the bill is a purely technical objection, one that finds nothing in substance. This is germane to the amendment that is offered here, because it is the very crux of that amendment. If you repeal the law, there is no authority for the \$500,000, and if you may, in sundry civil appropriation bills, fasten charges upon the Government, then it is a peculiar rule of the House, and the Holman rule must be peculiarly construed if in the same bill, in order to retrench expenditures, you can not repeal the provision which was carried in the sundry civil bill.

Mr. MANN. Mr. Chairman, a word more. Supposing on any appropriation bill which comes before the House there is no item in the bill then relating to a matter, and suppose some gentleman on the floor offers an amendment to make an appropriation. Does anyone contend that the mere offering of that amendment from the floor permits the House, under the rules, to repeal any law relating to the subject matter of that amendment? That would permit any legislation upon an appropriation bill at any time. It would permit the offering and the voting on any legislation at the whim of any two gentlemen in the House, because there is no way of preventing a man from offering an amendment for an appropriation, and then anyone can offer an amendment to repeal an act of legislation on the subject that brings the legislation before the House without consideration by a committee or anybody else.

Now, the purpose of these rules is to prevent the bringing up of matters which have received no consideration, to prevent the throwing into the House of propositions on which gentlemen are not prepared to vote or to intelligently understand without proper consideration. But if the Chair makes the precedent that any Member on the floor, by offering an amendment for an appropriation, thereby throws open the door to legislation by cutting out that amendment as a substitute, there is no limit to what can be done and no protection under the rules.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question in that connection.

Mr. MANN. Certainly.

Mr. SIMS. Suppose that in this particular case the committee had recommended no appropriation in the bill, and then had offered an amendment on the floor of the House, and because it is offered here we then can not propose to repeal the law upon which that appropriation is based by the committee taking such a course. Then you would prevent any opportunity to reduce expenditures by repealing the law?

Mr. MANN. The House is not required to vote in the item because it is offered on the floor. The Committee on Appropriations does not have jurisdiction over the legislation. Under the claim of the gentleman from Mississippi, if it be allowed, there would be no use for any other committees than the Committee on Appropriations; there would be no use to consider any bills except appropriation bills, because any Member by offering an amendment to make an appropriation could throw the whole subject matter involved in the amendment or in the law authorizing the appropriation open to consideration upon the floor.

Mr. SIMS. If this amendment is voted in appropriating \$500,000, which is authorized and has authority of law, then no amendment could be offered to repeal that act based on reducing the appropriation.

Mr. Sisson. This bill was referred by the Speaker to the Committee on Appropriations.

Mr. MANN. But they have not reported it, and it was an improper reference.

Mr. Sisson. As to this particular item, neither the chairman nor will the committee say that the full committee agreed upon it. An amendment was to be prepared, and I have prepared an amendment now—the amendment which the gentleman from North Carolina would have offered to this bill—

Mr. FITZGERALD. O Mr. Chairman, the gentleman's statement is not quite accurate. There was some difference of opinion among the members of the committee about the acquisition of some of this property, and it was believed, and my understanding was, that the gentleman from Mississippi desired to have an amendment prepared which would have eliminated certain parcels from the property to be acquired, and then he would have been content; but when such an amendment was prepared and suggested to him, my information is that he said he would support that amendment, and then try to have the entire provision repealed. Of course, it was not to be expected that men would make a compromise to surrender all they were willing to and then leave the gentleman from Mississippi free to fight to have the entire provision repealed.

Mr. Sisson. That was not the point I was calling the attention of the House to. That was the original item in the bill, which was passed by the committee, and it has never been called together since to consider it.

Mr. FITZGERALD. The gentleman from Mississippi has been conferred with.

Mr. Sisson. It is true the gentleman came to me, and I told him I would be glad to support the amendment cutting out three or four squares.

Mr. FITZGERALD. The gentleman should not say that I came to him; the gentleman was present at a hearing in which the gentleman in charge of the condemnation proceedings testified, and the matter was thoroughly discussed. I was necessarily absent later, and requested the gentleman from North Carolina to prepare the amendment. I believe the gentleman from Mississippi understood what occurred. The gentleman from North Carolina [Mr. PAGE] informed me that when he submitted it to the gentleman from Mississippi the gentleman said he was perfectly willing to support that amendment, but when it was adopted he would then endeavor to have the law repealed. The gentleman from North Carolina said he then dropped the entire matter.

Mr. Sisson. Mr. Chairman, the amendment was not prepared by the gentleman from North Carolina, but he asked if it would be satisfactory to me, and I told him that it would not; that I was opposed to the whole proposition, but if the amendment was offered I would support it. But to go back, Mr. Chairman, you will find that the bill I introduced was referred to the Committee on Appropriations, and if the Committee on Appropriations had no jurisdiction, then there should have been a motion on the part of those gentlemen who wanted a new reference to have the bill referred to the proper committee. If they took jurisdiction of the proposition and reported it back to the House after the reference, then they have jurisdiction over the whole matter.

Mr. MANN. If the bill was referred, as the gentleman states, to the Committee on Appropriations, and they had reported back

the bill, no point of order could have been made after the report to the House.

Mr. CANNON. And if the gentleman will pardon me, that bill would have gone to the calendar, and would not have been privileged as general appropriation bills and revenue bills are privileged.

Mr. MANN. That brings up the precise question. There is another provision of the Holman rule:

*Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

If the reference of this bill to the Committee on Appropriations gave jurisdiction to that committee over the subject matter this matter could be brought before the House upon the report from the Committee on Appropriations recommending the enactment of the legislation.

Take, for instance, the ordinary case. The Committee on Appropriations has jurisdiction over the appropriations for the District of Columbia. The Committee on the District of Columbia has jurisdiction over legislation. Now, will the gentleman from Mississippi contend that because the Appropriations Committee has jurisdiction over appropriations for the District and reports the District appropriation bill I can offer an amendment on the floor of the House to make an appropriation, and thereupon he can move to substitute for that legislation relating to the District of Columbia? For instance, here is a pat case that may come up. We appropriate in the District bill for the execution of the excise laws. Suppose I offer an amendment in reference to the excise laws. Does the gentleman think that upon that amendment, without the report of a committee, without the consideration of a committee, he can offer an amendment fixing the rate of excise, the rate of license under the excise laws, so as to reduce expenditures?

Mr. Sisson. I do not think that would be a case in point—to fix the excise law, which is a law to collect taxes, paying money into the Treasury.

Mr. MANN. Suppose he should propose to repeal the laws providing for a license and thereby prohibit certain collections?

Mr. Sisson. That could not be in order under the Holman rule.

Mr. MANN. Why not?

Mr. Sisson. Because it does not reduce expenses.

Mr. MANN. Oh, certainly it would reduce expenses.

Mr. Sisson. It would take taxation away from the Treasury.

Mr. MANN. But it would reduce expenses. It would cut out the collection of the excise.

Mr. Sisson. If the collection should be greater than the excise, that might be true.

Mr. MANN. It may reduce the revenues, but it would reduce the expenses.

Mr. Sisson. If you reduce the revenues more than you reduce the expenses, then it is a question whether you reduce the expenses.

Mr. MANN. That is a matter of argument always.

Mr. Sisson. It would not be a reduction of expenses on the face of the bill.

Mr. MANN. It would be a reduction of the expenses, because you reduce the amount of expenses. There is no limit. If the gentleman's contention should prevail, any Member on the floor, by the offering of an amendment on the District appropriation bill, could throw into the House the consideration of any legislation relating to the District of Columbia without any reference to the Committee on the District of Columbia at all.

Mr. Sisson. Mr. Chairman, if the legislation which was offered was legislation which the Committee on Appropriations had originally put upon the statute was legislation belonging to the District bill, and if to repeal the legislation so placed upon the statute by the Committee on Appropriations it afterwards offered to appropriate money under a law which was passed on an appropriation bill, and when the same bill was under consideration a motion was made to amend the original law carrying the appropriation, if it reduces expenses, then certainly it ought to be in order. Is it possible that under the Holman rule a committee can obtain jurisdiction for the purpose of putting an expense upon the people, passing a law for the purpose of putting a burden upon the Treasury, and that the same committee which places the burden upon the people can not find in itself the right to withdraw the burden? If originally the District bill had not carried the item, but the legislation had occurred originally on the appropriation bill and had been carried as an amendment to the appropriation bill, a law authorizing an expenditure, then that committee that had the jurisdiction certainly would have the right then,



or ought to have the right under the Holman rule, to repeal the law for which they themselves are responsible. And, with that idea, I presume, this bill was referred to the Committee on Appropriations. I presume that that was the cause of the reference of the bill to that committee. If that reference was a correct reference, if the Speaker referred it correctly under the rule, then certainly this amendment would be in order under the rule.

Mr. BARTLETT. Mr. Chairman, whatever may have been my position originally upon the merits of this proposition, I am now more interested in the correct ruling upon the point of order than in the disposition hereafter of the amendment should it be held to be in order. It is important, Mr. Chairman, if we are to amend existing laws upon an appropriation bill, that we follow the rule that we have inaugurated for the purpose of allowing such amendments. For myself I do not stand in so much awe of the sacredness of appropriation bills from being amended by the House as do others when those amendments are necessary and can not be procured in any other way. That is a question that I may discuss hereafter on another bill. I shall not do so now. Suffice it to say that in the history of the English-speaking people and in the history of this country some of the most wholesome legislation in the country of our forefathers across the water and in this House and in the Senate has been enacted on appropriation bills. But, Mr. Chairman, it does seem to me that this proposition does not meet the requirements of the rules that we have adopted. I shall not stop to discuss the proposition that has been discussed with reference to the reduction of expenditures, but I simply desire to call the attention of the Chair to the latter part of the Holman rule. We had an instance of that at this session of Congress when the pension appropriation bill was under consideration. The matter was given some attention by the Committee on Appropriations and the subcommittee having that bill under consideration. We first reported to this House a bill which had been drafted, had been referred to the Committee on Appropriations and considered by that committee, reported to the House, and placed on the calendar. That bill involved a change in the method of paying pensions, so that instead of paying them by vouchers and receipts they were to be paid by checks. When the pension appropriation bill was under consideration the bill to which I have just referred, which had been considered by the Committee on Appropriations and had been favorably reported by it and placed on the calendar, was offered as an amendment. A point of order was suggested or reserved, as I recall, by the gentleman from Illinois [Mr. MANN]. The Chair ruled it in order because the Committee on Appropriations, taking jurisdiction of the bill, had reported it favorably. It had been referred to it I think properly, although the question of jurisdiction, if it had been raised, could not be raised at that late hour after the committee had taken jurisdiction and reported the bill. As I say, the Committee on Appropriations, in compliance with the second provision of the Holman rule, had considered the bill and acted favorably upon it and reported it to this House. The amendment was held to be in order by the then Chairman, the gentleman from Missouri, Mr. BOOHER. That was a correct ruling, admitted so by the gentleman who reserved or made the point of order.

So that it does not mean, Mr. Chairman, that any member of a committee or anyone else, simply because a bill may have been introduced and referred to a committee for consideration, can offer that bill as an amendment to a pending appropriation bill unless all of the provisions of the rule have been complied with.

The chief requirement of the provisions of the Holman rule is that it shall be upon the report of a committee or a joint commission, and that means something. The proper construction of this rule, so far as that is concerned, must mean that no amendment is in order under that provision unless it complies strictly with the rules. This rule is one of long standing. It makes exceptions to the acknowledged and accepted rules of the House in vogue for 100 years or more. The common, accepted construction of all statutes and all parliamentary rules and laws is that where you make an exception to the general rule you must strictly comply with it. It is not necessary to construe strictly this rule, however. The ordinary, plain, reasonable construction of the provision is that it is not in order to offer an amendment in the nature of a bill unless the requirements contained in the exception are complied with. For the orderly government of the House, to prevent confusion and delay, and, I might say, chaos in the consideration and passage of these great appropriations through the House, it seems to me that is the only reasonable construction to put upon it. Otherwise you open the door wide for any man who desires to amend an appropriation bill by enacting legislation origi-

nally or repealing legislation which he desires to repeal, to introduce a bill either to enact or repeal legislation, having it referred to a committee for consideration, having no report of that committee, but simply offering the amendment because he has introduced and has pending before some committee some such bill. It does not matter that it may have been referred to the Appropriations Committee, whether they have jurisdiction of it or whether they assume jurisdiction of it, and that assumption has been acquiesced in by the House. So that I repeat, Mr. Chairman, the importance of the ruling is that the exception which is here made for the purpose of reducing expenditures and enacting legislation along that line can not be carried out unless the rule is construed as it was intended, and reasonably intended, and strictly construed; otherwise, I say we are liable to be led into confusion worse confounded.

Mr. SISSON. Mr. Chairman, the proviso referred to by the gentleman from Georgia [Mr. BARTLETT] is simply an enlargement, an extension of the Holman rule, which does not narrow the rule at all, because the last clause before the proviso gives the right to a Member on the floor, to an individual Member, to offer an amendment where the compensation of any person is reduced, or where it reduces the number of employees or the amount of money covered by the bill.

That right is given to every Member of the House, if that condition existed at the time of the offering of the amendment.

The proviso, however, goes further and says:

*Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment.*

That is simply an enlargement of the first provision giving the right to members of the committee that would not be given to an individual who had made no investigation. Therefore it is an enlargement and not a narrowing of the Holman rule.

Mr. BARTLETT. Will the gentleman permit a question?

Mr. SISSON. Certainly.

Mr. BARTLETT. The provision which you propose to strike out is \$500,000?

Mr. SISSON. The \$500,000 has been stricken out, but there is an amendment now offered, and there is an amendment to the amendment.

Mr. BARTLETT. That amendment has not been adopted. In what way do you reduce the amount carried in the bill?

Mr. SISSON. Suppose we save \$500,000. Suppose we were to adopt my amendment as an amendment to this amendment, then could not you vote my amendment down and would you not then get it?

Mr. BARTLETT. We would just simply meet the conditions as presented. The rules require you to reduce the amount carried in the bill.

Mr. SISSON. That is purely technical.

Mr. BARTLETT. It may be.

Mr. SIMS. Mr. Chairman, I would like to be heard. It does not seem to me that this amendment should be regarded in the light of not having been in the bill or not in it for this reason. It was in the bill as first offered coupled with the proviso. The point of order was made to the proviso and sustained as to the proviso, but as a matter of course the point of order was made to the whole paragraph and this language went out with it, and it is simply reoffered by the gentleman from New York—

Mr. FITZGERALD. I beg the gentleman's pardon, the gentleman is mistaken. The point of order was reserved on the proviso by the gentleman from Tennessee, and to the whole paragraph by the gentleman from Mississippi. The gentleman from Mississippi insisted that the entire paragraph go out because part was subject to the point of order and that took it out.

Mr. SIMS. I do not controvert that fact, but the portion now offered by way of amendment was in the bill, and no point of order would lie to it if only so much as now offered had been in the bill and nothing in the way of legislation connected with it.

Mr. FITZGERALD. All of these rules are technical.

Mr. SIMS. I know they are, and decidedly too much so.

Mr. FITZGERALD. And to say it is a mere technical objection does not amount to anything, because every objection offered under the rules of the House is a technical objection and these rules were designed for the purpose of enabling the House in a proper and orderly manner to conduct its business.

Mr. SIMS. But the amendment by way of fiction is not in the bill—

Mr. FITZGERALD. It is not a matter of fiction.

Mr. SIMS. Well, by reason of the question of the point of order on the whole paragraph that only applied to the proviso in the paragraph.

Mr. FITZGERALD. It is a matter of fact and not a matter of fiction.

Mr. SIMS. Now, let me say this to the gentleman from New York: That the letter killeth while the spirit maketh alive. Now, what is the object of the Holman rule or what is the object of proposing to permit legislation on an appropriation bill or the necessity for it? It is to save money to the Government. If the amendment did not save money for the Treasury, if it did not reduce expenditures in the form in which it is offered, it ought to cut no figure whatever, and a liberal construction of this rule certainly would, so far as that is concerned, apply to this proposition.

Mr. SHERLEY. If the gentleman will permit, if that reasoning is accurate all you have to do under the guise of the Holman rule is to offer an amendment repealing every office that exists under the Government and say you are coupling something equitable, just, and so forth, with it.

Mr. SIMS. I am not contending for any such latitude.

Mr. SHERLEY. But the very force and very purpose of parliamentary law is to require that you do a thing according to the law and not according to the spirit.

Mr. SIMS. Now, suppose this amendment the gentleman from New York has offered had been in the bill uncoupled with the proviso. Would not the amendment, by way of substitute, be in order? I think it would. Now, the effect of the amendment now offered by the gentleman from New York is exactly the same as to this bill as though it appeared in the bill as reported, and I think it is equally as important that the Holman rule apply to the amendment of the gentleman as though it was a part of the bill as reported.

Now, the question of whether it is germane or not or whether the amendment could be offered and sustained if no other proviso had been in there is a different question, which I am not undertaking to discuss, as I am not as well prepared to discuss these things as the distinguished gentlemen who have discussed them. But in construing the Holman rule I do think the spirit and purpose should dominate in any construction given the Holman rule, because the object, no doubt, is to permit the Appropriations Committee to make any reduction in expenses by such necessary legislation as enables them to make that reduction. And I know nothing better and more germane than to repeal a paragraph of a law heretofore passed by and through the Appropriations Committee that enabled them not to further make that appropriation. Now, suppose the Appropriations Committee itself had brought in this amendment; it seems to me that in order to enable the committee to make that reduction so much of a law upon which it was based should be repealed that the committee should be permitted—or a Member of the House, if the committee does not do it—to present such legislation, confined, as it is in this case, to negative action, not to affirmative legislation, and simply repealing that which authorizes the committee to take the action it has taken.

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MANN. Suppose we had under consideration the general deficiency bill, which authorizes an amendment to any service in the Government as a deficiency, and some Member offers an amendment to the deficiency bill. Does the gentleman contend, then, that the offering of that amendment would authorize some one else to offer as a substitute a proposition to repeal the law creating the Army—

Mr. SIMS. I am confining my remarks to the particular matter before the committee in construing the rules to enable the committee to do by the Holman rule what was intended.

Mr. MANN. Can the gentleman make any distinction between the two? If so, I would like to hear it.

Mr. SIMS. I do not think it is necessary.

Mr. Sisson. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. Sisson. The gentleman from Illinois [Mr. MANN] asked you if under the general deficiency bill an item was carried in the bill—

Mr. MANN. Not for an item that was carried in the bill at all.

Mr. Sisson. If an amendment was offered from the floor to carry an item in the sundry civil bill, do you believe, then, it would be in order to repeal the law authorizing the item? It would simply mean, if the House wanted to reduce any expenses, if you had any confidence in the membership of the House, if it was an improper expenditure of money, they would vote for your amendment. If it was a proper expenditure of money, they would promptly vote for it. It would simply enable the House to vote on the proposition.

Mr. MANN. The rules are designed to prevent forcing the House to vote on a proposition which is under consideration.

Mr. SIMS. Does the gentleman assume the House would put on a proposition without knowing anything about it?

Mr. MANN. I not only assume they will, but I have seen them do it.

Mr. SIMS. If we should repeal a portion of a law or the whole of a law simply to save expenditure, it does not follow that we have to follow it with affirmative legislation to take the place of the law; but when we repeal a certain part of the law that requires further affirmative legislation it would only be properly so much of the law as the present appropriation is based on, and comes within at least the spirit, and ought to come within the letter of any such rule.

Mr. Sisson. As in this case, the Appropriations Committee took away from the Committee on Public Buildings and Grounds the law authorizing the purchase of this property.

Mr. SIMS. As I say, I am discussing this alone with reference to the construction of a rule enabling legislation on appropriation bills and not all possible complications that might follow by reason of applying the rule prohibiting legislation on an appropriation bill and only so much of it as is authority for making the appropriation.

The CHAIRMAN. The bill as presented to the House contains this paragraph:

Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act, approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, \$500,000: *Provided*, That in addition to the persons named in the said sundry civil act the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and be competent to transact the duties devolving on them.

As to that paragraph the gentleman from Tennessee [Mr. SIMS] reserved a point of order as to all that which comes after the word "*Provided*." The gentleman from Mississippi [Mr. Sisson] reserved and made a point of order to the entire paragraph. The Chair, in ruling, overruled the point of order to everything in the paragraph before the word "*Provided*" and sustained the point of order for everything that followed the word "*Provided*." When that ruling was made, that entire paragraph was then out of the bill for every purpose.

The gentleman from New York [Mr. FITZGERALD] then offered the following as an amendment to the bill:

Enlarging the Capitol Grounds: To continue the acquisition of land described in the sundry civil appropriation act, approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, \$500,000.

Thereupon the gentleman from Mississippi [Mr. Sisson] offered a substitute to that amendment repealing the act referred to in the amendment which authorized the appropriation of \$500,000.

The question is now raised upon a point of order as to whether the substitute offered by the gentleman from Mississippi is permissible under what is commonly known as the Holman rule, which is section 2 of Rule XXI, and which reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject of the bill, shall retrench expenditures.

The Chair thinks that nothing which comes in the above rule after the word "*Provided*" need be considered in determining the point of order. The question hinges solely upon that part of the Holman rule which is quoted, which comes before the word "*Provided*." The pertinent part of that section of the Holman rule reads as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The first question which arises is: Can there be legislation in an appropriation bill under that part of the rule which I have just read? It seems quite evident to the Chair that under the rule there can be legislation, because the rule says—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except—

and so forth. That clearly implies that existing law may be changed because of the use of the words therein, "changing existing law."

If existing law can be changed, under the rule it must be germane, and so the next question arises as to whether or not



the substitute offered by the gentleman from Mississippi [Mr. Sisson] is germane to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

We are all familiar with the meaning of the word "germane," in its legislative sense at least, but inasmuch as a dictionary lies on the table before the Chair, the Chair has taken occasion to get the definition from that, and the definition that it gives is—

Any close relationship to.

The amendment offered by the gentleman—

Mr. FITZGERALD. Mr. Chairman, I can refer the Chair to a decision made on the 1st of April, 1910, that an amendment proposing to repeal a law is not in order as an amendment or substitute to an amendment modifying one section of the law. It was decided on April 1, 1910.

The CHAIRMAN. The Chair would have preferred not to have had his chain of thought broken, but to have had the precedent presented to him later. Before finally ruling the Chair will look at the reference mentioned by the gentleman from New York. When interrupted by the gentleman from New York the Chair was dealing with the word "germane" and was about to read, and will now read, from the amendment offered by the gentleman from New York, which treats of the act approved June 25, 1910, which authorizes this appropriation. The substitute offered by the gentleman from Mississippi proposes to repeal the act which is mentioned in the amendment offered by the gentleman from New York.

The Chair is of opinion that there is such a close relationship between the two that the substitute offered by the gentleman from Mississippi in treating of the act of June 25, 1910, is germane to the amendment offered by the gentleman from New York in treating of the same act—that of June 25, 1910.

The Chair is, up to this time, of the opinion that under the Holman rule there is a right to *change existing law provided it is germane*; and provided, further, it meets any one of the other conditions set out in the rule. The Chair first rules that the substitute offered to the amendment is germane. Before the substitute can be held to be subject to a point of order, or that it is not subject to a point of order, other parts of the Holman rule must be applied to the item as tests. If *existing law can be changed* in an appropriation bill provided it is germane, it must have one or the other of the additional qualifications. It must, in one instance, in addition to being germane, retrench expenditures by the reduction of the number and salary of the officers of the United States. The substitute offered by the gentleman from Mississippi to the amendment does not meet that requirement of the rule. Next, in order that it may be in order the substitute offered by the gentleman from Mississippi must be a reduction of the compensation of any person paid out of the Treasury of the United States. It does not come under that requirement of the rule. The Chair is of the opinion, however, that it does come under the next requirement, which reads as follows:

Or by the reduction of the amounts of money covered by the bill.

The Chair first holds that existing law under the Holman rule can be changed, provided it is germane, and the Chair holds that it is germane. Further, that it is good provided it reduces the amount of money covered by the bill. The Chair holds that it does reduce the amount of money covered by the bill to the extent of \$500,000.

Now, as to the suggestion made by the gentleman from Kentucky [Mr. SHERLEY] that if the contention of the gentleman from Mississippi were correct all offices could be abolished. The Chair is not called upon to decide that point and will not do so; but, in passing, it may be remarked that there is a provision in the Holman rule for the reduction of the number and salary of officers of the United States. If the Chair were called upon to decide that point he would, as on the present occasion, decide it just as he has the point which is now raised. The Chair has quite clearly outlined his individual views about it, but will be glad to see the precedent to which the gentleman from New York has just referred before making the final ruling.

Mr. FITZGERALD. I have sent for the precedent. I do not think that this amendment is germane to the amendment I have offered. My recollection is that the Senate put an amendment on the legislative bill changing one portion of the law relative to the corporation tax, and I offered a motion to recommit the Senate amendment to the Committee on Appropriations with instructions to report the Senate amendment amended so as to repeal the corporation-tax provision in the Payne-Aldrich tariff law. After a lengthy discussion it was held that to a provision proposing to amend one section of the law an amendment to repeal the law was not in order.

The CHAIRMAN. As to whether it is germane or not, the amendment offered by the gentleman from New York sets out

specifically the date and approval and subject matter of which the law treats. The substitute offered by the gentleman from Mississippi treats of the same act referred to by the gentleman from New York in his amendment.

Mr. MANN. Mr. Chairman, might I ask the Chair whether the Chair holds that the part of the bill the Chair ruled out on a point of order still remains a part of the bill for the purpose of considering this proposition?

The CHAIRMAN. The Chair has not ruled, but has indicated, unless shown an authority to the contrary, that he is inclined to rule that the amendment offered by the gentleman from New York is not any part of the bill, but that the substitute offered by the gentleman from Mississippi is germane and a proper amendment to the amendment which the gentleman from New York has offered.

Mr. MANN. I am asking for information, because these rulings are of value hereafter. Then I take it that the present opinion of the Chair is that if the substitute is a reduction of the amount carried by an amendment offered from the floor, that brings it within the Holman rule, regardless of the amount in the original bill.

The CHAIRMAN. Yes. The Chair is inclined to rule only on the question as to whether or not this substitute is germane to the amendment, but thinks it applies also to any part of the bill before it is accepted.

Mr. FITZGERALD. Mr. Chairman, I have the decision here to which I referred. On the 1st of April, 1910, I moved to recommit a Senate amendment—I think it was to the legislative, executive, and judicial appropriation bill—with instructions to report forthwith Senate amendment 78, amended so as to read as follows:

*Provided*, That the act of August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby repealed.

Mr. GILLET made the point of order. There was considerable discussion, and the Speaker ruled as follows:

The SPEAKER. The Chair will cause to be read the amendment which has been agreed to.

The Clerk read as follows:

"Concur with the following amendment:

"Strike out all of amendment No. 78 and insert instead thereof the following:

"For classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section 38 of an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909, including the employment in the District of Columbia of such clerical and other personal services, and for rent of such quarters as may be necessary, \$25,000: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President."

The SPEAKER. The House will notice that this is a proposition or an amendment covering one specific subject in the tariff act—as to the returns made by corporations. It does not relate to the amount of the tax, the kind of corporations to be levied upon, the time of levying, or touching any other matter, but only and simply the returns of corporations.

Upon the motion to concur with an amendment, which amendment provides for striking out the Senate amendment and inserting what has just been read, the previous question was ordered, and the House has, on a yea-and-nay vote, agreed to the amendment, so that is a closed incident.

Now, the argument of the gentleman from New York brings up a very ingenious theory. But the Chair does not feel called upon to decide upon his theory, because it has been held—and, so far as the Chair has been able to ascertain, uniformly held—that where there is a proposition to amend a law in one particular—a specific particular—a proposition to amend generally or to repeal the law would not be germane. The Chair, after a hasty examination, finds as follows:

"Hinds' Precedents, volume 5, page 411:

"5806. To a bill amendatory of an existing law as to one specific particular an amendment relating to the terms of the law rather than to those of the bill was held not to be germane."

Under that decision, if the amendment of the gentleman had been offered before the previous question operated it would not have been in order, as the precedents are uniform that you can not by a motion to recommit make that in order which would not have been in order if offered as an amendment. Therefore the Chair sustains the point of order.

There was a provision, Mr. Chairman, in which an appropriation was made to carry out the provisions of the Payne-Aldrich law, imposing a tax on corporations and providing for the classifying and arrangement of the returns. The House had agreed to an amendment which modified the law in that it provided that these returns should not be made public except upon order of the President or under rules and regulations to be approved by him. I then offered what was in effect an amendment, being a motion to recommit the bill with instructions to report forthwith repealing the law, and it was held to be not germane.

In this instance, and this decision applies to this case particularly, in the bill as reported from the committee there was an appropriation to carry out the law and a provision amending the law in one particular. That would have placed the provision in the bill in exactly the same category as the amendment to section 38 of the Payne-Aldrich law, and a proposal

to have repealed the law under this decision would not have been germane. In this instance, in the shape in which it comes before the House, there is no proposition to amend a law at all, but a proposition to appropriate to carry out the law without any suggested change. A proposition to repeal can not possibly be held to be germane, in my opinion, under the authorities. I recall this case very distinctly, because it was a matter of very great importance. It was carefully and elaborately discussed. The decision was based upon the precedents which had been made prior to that time. There was some doubt as to whether in a provision amending the law in one particular line a provision to repeal the law was in order. Decisions had been found to the effect that where a provision proposing to amend the law in more than one respect, in two or three respects, an amendment to repeal the law was germane. It was so held by Speaker Reed, but where the proposition was to amend the law in but one particular the decision was, and this followed what seemed to be the logic of the decision, that it was not in order.

In this case, if the gentleman had offered his amendment as a substitute for the provisions in the bill as reported from the committee, it would have come clearly within that decision. He is now offering his amendment as a substitute for an amendment which does not propose to change the law in any respect at all, but which merely provides for an appropriation. I do not see how under these decisions such an amendment can be held germane, and I call the attention of the Chair further to the fact that the definition of the word "germane," as given in the dictionary, is not the meaning ascribed to the word in the parliamentary practice of the House, because things may be intimately related to each other which under the parliamentary law would not be germane. For instance, in a bill providing for the admission of a Territory as a State, an amendment proposing to admit some other Territory as a State is not germane. They are somewhat intimately related, and yet if the bill proposed to admit two Territories as States into the Union, then the decisions are that a proposition to admit a third or a fourth Territory as a State would be germane. So that in determining the meaning of the word "germane" as used in the rules and procedure of the House of Representatives, the meaning ascribed to it in any standard dictionary as to the common acceptance of the word is not applicable.

It seems to me that under this decision, and under the decisions referred to, upon which the Speaker relied at that time, to a provision appropriating money to carry out existing law a proposition to repeal the law can not possibly be held to be germane. I call the attention of the Chair to the fact that not only has this law been partly executed, but a judgment of the court has been entered under which certain property has been acquired, and that creates an entirely different relation.

Mr. SIMS. That would not vacate the proceedings that have already been had under the law.

Mr. FITZGERALD. It would vacate proceedings unless the awards had been finally confirmed by a decree of the court, because until a decree is entered confirming the awards Congress could abandon the proceedings at any time. After the decree is entered, it could not. But I do not believe that has any bearing particularly upon the matter. I merely wanted to call it to the attention of the Chair. Under the practice of the House, as far as I am familiar with it, and the decisions—and this decision has never been challenged since that time, over two years ago—to a proposition proposing to amend in one respect an amendment to repeal is not germane, and as this proposition does not propose to amend the law at all, I do not see how, to a mere appropriation, it could be held that a proposition to repeal is germane.

Mr. SIMS. Was the gentleman's motion to repeal the whole Payne-Aldrich law or the mere paragraph upon which the particular appropriation rested?

Mr. FITZGERALD. It would repeal the whole law, but it made no difference at all, because the gentleman from Mississippi is not proposing to repeal part of one law, but is proposing to repeal part of two laws.

Mr. SIMS. He is not proposing to repeal the whole sundry civil bill.

Mr. FITZGERALD. No; he is proposing to repeal a part of two appropriation acts.

Mr. SIMS. But not acts like the gentleman from New York refers to—

Mr. FITZGERALD. Oh, that is immaterial; the same reason applies—that an attempt was made to repeal part or an entire act.

The CHAIRMAN. The amendment offered by the gentleman from New York treats of the act approved June 25, 1910, which authorizes the expenditure of \$500,000 a year for the enlargement of the Capitol Grounds. The gentleman from Mississippi

has offered a substitute for the repeal of that act. Now, the gentleman from Mississippi, in offering his substitute, did not refer to the act by its title and date of its approval, but he did more than that, he referred to it by its title, the date of its approval, and then quoted every word of the act, so it occurs to the Chair there is no escape under the conditions from the conclusion that the substitute is germane to the act. The Chair overrules the point of order, and in doing so agrees with the position taken by the gentleman from New York [Mr. FITZGERALD] in his contention upon a former occasion with the then presiding officer of the House.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the paragraph and pending amendments close in 10 minutes.

Mr. SIMS. Oh, no.

Mr. FITZGERALD. We have given more than two hours and a half. Everybody has been heard—

Mr. KAHN. The committee has.

Mr. SISSON. It has been on the point of order.

Mr. FITZGERALD. The gentleman from Mississippi himself stated that he would not occupy any more time.

Mr. BYRNS of Tennessee. I should like a little time.

Mr. FITZGERALD. How much time?

Mr. BYRNS of Tennessee. Five minutes. And there are several others who desire to be heard.

Mr. FITZGERALD. I desire to state that I am going to try to fix a time at this time and see if we can finish this bill to-day.

Mr. KAHN. I want five minutes.

Mr. FITZGERALD. We took over an hour yesterday, and we have taken an hour and a half this morning.

Mr. KAHN. The chairman of the committee will admit that most of the time has been occupied by members of the Committee on Appropriations.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. KAHN. I shall want five minutes.

Mr. FITZGERALD. I have no objection to the gentleman having that much time.

Mr. SIMS. I want to have five minutes.

Mr. FITZGERALD. Mr. Chairman, I move that all debate upon the pending amendment close in 30 minutes.

Mr. SISSON. Make it 35.

The CHAIRMAN. Is there objection?

Mr. BYRNS of Tennessee. Mr. Chairman, I am opposed to the purchase of the land between the Capitol—

The CHAIRMAN. If the gentleman will suspend. When the Chair was about to put the question whether debate should close in 30 minutes the gentleman from Tennessee addressed the Chair.

Mr. BYRNS of Tennessee. I beg the Chair's pardon; I thought the Chair had put the question.

The CHAIRMAN. The Chair thought the gentleman rose to object. No objection being heard, debate upon the pending matter will close in 30 minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I am opposed to the purchase of land between the Capitol and the Union Station as provided under the bill passed two years ago, and I therefore shall vote for the amendment offered by the gentleman from Mississippi as a substitute for the amendment offered by the gentleman from New York. I am not opposed, Mr. Chairman, to the law or, rather, I do not favor its repeal because of any objection to the personnel of the commission. It is composed of men who have rendered long, patriotic, and distinguished service to the country, and everyone knows that those gentlemen will administer the law and perform their duties under the law as best they can for the protection of the Federal Treasury and the people. But I do not believe it is right to take the money of the people, Mr. Chairman, for the purpose of buying a great area of land between the Capitol and the Union Station purely for park purposes when, as a matter of fact, the land after it is bought can do the people and the Government of the United States absolutely no good. It has been stated upon this floor by the gentleman from Mississippi that much of this land is occupied; that a big hotel and apartment houses and splendid residences occupy a great portion of this land.

I have walked through that property, and I find a great many pieces of property there which are for rent to-day, and I have had the suspicion that possibly the movement which first brought about the passage of this law, the influences which were brought by the newspapers of Washington and by certain citizens of Washington to cause Congress to pass this law, were induced largely by the fact that this property is now in a particular section of the city which is not growing, but is depreciating in value, because the city is growing in another direc-



tion, and that the people who own this property are desirous that the Government should purchase it simply to relieve themselves of the burden of ownership. Now, Mr. Chairman, I favor beautifying the city of Washington. I think we ought to make it a beautiful city, and it is a beautiful city. Why, it was stated on the floor yesterday that the United States Government now controls or owns 54 per cent of the area of this city—in parks, streets, etc., whereas in other cities this class of property ranges from only 20 to 25 per cent. I think, however, that Congress possibly goes too far in this idea of beautifying the city and buying lands and opening them for park purposes. I noticed a few days ago that over in another body of this Capitol a bill was passed providing for the appropriation of a million seven hundred and fifty thousand dollars to build an armory for the District Militia, and it was provided that the people of the whole country should pay half the expense of that building in spite of the fact that the United States Government will furnish the land upon which it is built. The United States Government does not build armories for militia in other places. The only argument which I noticed in favor of the United States contributing half of the expenses of the building as well as the land, was the fact that it might be used for an inaugural ball once every four years.

Mr. Chairman, this Government owns and has purchased some of the most expensive portions of the property south of Pennsylvania Avenue, and it is hoped that some day the Treasury may be in condition whereby public buildings may be placed there for the occupancy of the Department of State and possibly other departments, and thus save to this Government \$600,000 a year in rent. We are told when the proposition is made to erect public buildings over the country that the Treasury will not admit it. I have heard gentlemen on the floor of this House state that it is not wise to authorize more public buildings on account of the condition of the Treasury, and yet those same gentlemen are advocating the purchase of this land at the cost, as has been stated on this floor, of \$5,000,000, and it has also been stated that after it has been purchased it will take \$2,000,000 to place it in a condition for parks, making a total of \$7,000,000. This amount would build 140 buildings over this country at \$50,000 apiece.

We have claims to-day which have been adjudicated by the Court of Claims as proper charges against this Government, and yet Members of this House and in another body oppose the payment of those claims, Mr. Chairman. And I venture the assertion if Members here will go back to their people and will tell them frankly that they voted for an appropriation or to maintain upon the statute books a law which provides for \$7,000,000 expenditure in the city of Washington for purely park purposes, and then will tell them as frankly that the Government is paying \$600,000 a year in rents to-day to owners of property in the city of Washington because we have not money in the Treasury to put up the necessary public buildings; if they will at the same time tell them also frankly that Congress has refused and denied to claimants over this country the right to an appropriation to pay their claims, notwithstanding the fact that those claims have been passed upon and declared proper and right against the Government, I do not believe the people will approve any such vote. [Applause.]

Mr. KAHN. Mr. Chairman, I do not know who owns any of the property that is involved in this controversy. That is an entirely immaterial matter. The land ought to be purchased, for it can be purchased cheaper now than in the future. All the great capitals of the world are constantly buying property and are expending millions of dollars in beautifying those capitals.

In 1868 the city of Paris expended \$135,000,000 in buying property for the purpose of widening and extending its boulevards and avenues, in making the city attractive. There was a good deal of criticism of the expenditure at the time, but the intervening years have amply justified it. It was a good investment. Paris to-day is looked upon as one of the most beautiful capitals in the world. It is the Mecca of hundreds of thousands of travelers from all over the world. They enjoy its parks, its boulevards, and its avenues. We admire the patriotism of the Frenchmen in having spent that amount of money to make Paris an attractive city. And as for going home and telling our constituents that we have voted money to beautify the National Capital, as suggested by the gentleman from Tennessee [Mr. BYRNS], there is not a constituent of any Member of this House who does not feel proud whenever he comes here to find this city a beautiful one. [Applause.] Our constituents will certainly justify the expenditures in beautifying it.

The city of London in 1905 expended hundreds of millions of dollars in opening up new streets. The King's Way and Aldwych were constructed in the very heart of the English

capital. If that work had been done a hundred years ago it could have been done for a fraction of the amount that it cost England in 1905. The city of Berlin is expending millions of dollars in the beautification of the German capital. The city of Rome has been improved in recent years at an enormous outlay. The city of Vienna has expended millions of dollars in widening and beautifying its streets.

That property which is covered by the pending amendment can be purchased cheaper to-day than it can be purchased at any time in the future. Property always enhances in value in a city like Washington. It is the Capital of a great Nation. Its future growth and importance should always be considered by the legislators gathered in this Capitol. The south side of Pennsylvania Avenue has been referred to. I agree that it is a conglomeration of ramshackle buildings that are a disgrace to the Capital. Why has it not been improved? Because it is believed that Congress some day will purchase all of that property and make it a part of the park system of the city. And this property that we are now discussing will be an eyesore to the capital so long as there are no general plans in regard to it. Several years ago Congress decided it should be purchased. There is always in the mind of the owner an idea that Congress will live up to the purchase plan. It is covered largely by a lot of old rubbish to-day.

The gentleman from Tennessee [Mr. BYRNS] speaks of the houses being idle. They will continue idle if this law be repealed. I venture the assertion that there will not be an improvement on that property for years, and it will continue an eyesore. The property owners will not attempt to improve it, for they will feel uncertain as to the course Congress will pursue toward the land in question.

Take the city of Frankfurt, in Germany. Within recent years it has been spending millions of dollars in widening its streets. It has put up a magnificent union railway station, not unlike ours, and it has a most superb plaza in front of it. The people there have gladly expended millions of dollars in beautifying their city. And so I could cite innumerable instances of what is being done all over the world in the way of beautifying cities. These cities are correcting the mistakes, the short-sightedness, if you please, of earlier periods. We are a young Nation. We want to make Washington the most beautiful capital in the world. We are the richest Nation in the world. It is a small, narrow policy, in my mind, to repeal a law of this kind. If the law be continued it will enable the people of this country, the American people, to have a capital commensurate with their dignity, their wealth, and their power.

I hope the amendment of the gentleman from Mississippi [Mr. Sisson] will be voted down. [Applause.]

Mr. SIMS. Mr. Chairman, I could take the gentleman from California [Mr. KAHN], who has just addressed the committee, and show him streets to-day in Washington which the people have to use which would be a disgrace to a city of 100,000 inhabitants. Exercise your public spirit where it will be a benefit to the people who want to use those streets. I will go with him and pay his car fare and show these streets to him this afternoon.

Now, this idea that our republican Government must manifest its magnificence and beauty in physical features only, by way of building great avenues and parks in order that those who happen to come to Washington who are going to stay here only a few days may see them and go home and have them approve of the expenditure of the money, is erroneous. Those people do not see these neglected streets I have mentioned. If we put this \$500,000 on improvements in certain portions of the city of Washington that absolutely need them instead of buying property down here which will immediately make a demand for property in out-of-town divisions that are being boomed now by real estate men, it would be vastly better. Turn out these thousands who live in these houses now and cause them at once to have to seek other homes, and you accelerate the advance in price and enhance the value of lots now being held in the suburbs at fictitious, unreasonable, and speculative values.

Now, this committee had no such thought. This legislation was put on an appropriation bill at the other end of this Capitol. There was no time in which to consider it here; and, in justice to well-considered legislation, it ought to be repealed. Then bring in a bill, and have it well considered, and let us know what we are going to purchase.

Why, the gentleman from Mississippi [Mr. Sisson] yesterday showed a map here delineating the land contemplated to be bought and showing that that land is absolutely unnecessary, relatively, to this Capitol square. If it is bought, and the buildings are removed, and the land is parked, it will make it look ridiculous. It will make it look like a one-winged eagle statue. It will make it look as though you had put up

an eagle and taken a wing off of it. Put a wing on that square there and then you will have to have a wing here and another wing yonder. We have a Capitol square now that is symmetrical in its proportions. Millions of dollars have been put into this House Office Building here, and millions of dollars have been put into that Senate Office Building, and other millions of dollars have been put into other public buildings all over this District, and into parks galore. Indeed, there is danger now of getting lost in the city of Washington in the wilderness of unused and unoccupied parks.

That is the only excuse that can be given for the purchase of this land—the beautification of the city and the enlargement of the parks.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. KAHN. I would like to ask the gentleman where is there a single park in the city of Washington that is not enjoyed and used by all the people, including the poor people?

Mr. SIMS. Those who go to the out-of-town parks are not the poor people. Tell me how many poor people ever put their feet inside of Rock Creek Park.

Mr. KAHN. I saw them there by the dozens and hundreds.

Mr. SIMS. How do they get there? There are no street cars running to it, and the street car companies are opposed to the putting of street cars there. The fact is that nobody but automobile owners ever get there. [Applause and cries of "Vote!" "Vote!"]

Mr. CULLOP. Mr. Chairman, I would like to have the amendment reported.

Mr. FITZGERALD. If anybody wishes to get time, let him use it now.

Mr. CANNON rose.

Mr. CULLOP. Mr. Chairman, in view of the fact that the debate is to be closed, I ask that the amendment be reported.

The CHAIRMAN. The Chair has already recognized the gentleman from Indiana.

Mr. CANNON. On which side is the gentleman?

Mr. CULLOP. I do not care to occupy time.

The CHAIRMAN. The Chair then recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, two years ago, or three—I believe it was three—this legislation was enacted. It has been executed as speedily as possible under the provisions of the law. It was bad in its conception, in my judgment, because it did gradually, year by year, what it ought to have done at once. In other words, condemning this property piecemeal enhances the property remaining after each condemnation.

There has been acquired, however, the two principal squares and the two most expensive squares just north of the Capitol, costing about \$1,100,000. The decree has been confirmed, and whatever action might be taken by Congress in repealing this law, that property has been acquired.

Mr. HARDY. Mr. Chairman, will the gentleman permit an interruption?

Mr. CANNON. Yes.

Mr. HARDY. What are the two blocks that have been already acquired?

Mr. CANNON. The two blocks just north of the Capitol, between the Senate Office Building and New Jersey Avenue, down to the railroad property, which was formerly occupied by the old Baltimore & Ohio depot.

Mr. HARDY. Does the gentleman recall who was the owner of the property?

Mr. CANNON. I do not know any man that was the owner of a portion of it, save one. I have the impression that one or two houses belonged to the estate of former Representative Babcock, who died a number of years ago. But I do not care who it belongs to. If it ought to be acquired, what difference does it make who owns it? With all due respect to my friend from Texas, I do not see that there is any great point in his query.

Now, I am satisfied that if this Congress does not acquire it, some Congress in the future, better advised, will take every foot of this property. You may repeal this act, but there is the property. There is the great terminal, to which nearly a hundred million people who visit the city in a year will land. Here is the great Capitol, the greatest on earth, having no equal on earth. Here are the great office buildings belonging to the people, and I am satisfied that if this act should be repealed, in the end this property will cost vastly more to condemn in the future than it will cost to take it now.

It is easy to say that this property is going to cost \$5,000,000 or \$7,000,000, and \$2,000,000 to improve it. Who gave the gentleman from Mississippi the right to make such statements? I state, and I am informed by men who ought to know, that

the two blocks that have already been condemned are by far the most expensive property, and that the buildings on these two blocks, the improvements, cost as much as the ground cost. Much of this property is now vacant farther on toward the Plaza. I trust that the amendment offered by the gentleman from Mississippi to repeal the law will be voted down.

Mr. CULLOP. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. CULLOP. I want to ask a question for information. Is any part of the vacant property between here and the Union Depot included in this matter, or has that been purchased?

Mr. CANNON. It is substantially all included in this matter. The only part that has been condemned are the two blocks between New Jersey Avenue and the Senate Office Building down to the street just in front of where the old Baltimore & Ohio Depot stood.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HARDY. I ask that the gentleman be given five minutes more in order to answer a question.

Mr. CANNON. I do not care for any further time.

The CHAIRMAN. The time for debate has been limited.

Mr. CANNON. I would be glad to answer the gentleman's question if I had the time.

Mr. HARDY. Mr. Chairman, I am opposed to buying this property between the Capitol and the Union Station. I did not ask the gentleman from Illinois who owned the land already acquired by the Government in order to make any deduction of impropriety, but merely as a matter of curiosity, and, broadly, I would like to know all the owners of the property which this law forces the Government to buy. I oppose the policy of forcing the Government to buy more and more land whenever some one may have property to sell and thinks it a good opportunity to unload it on the Government. I believe that the National Government has to-day all the property in Washington City that it needs for public uses. This matter of beautifying the National Capital is nice to talk about, but it has its reverse side also. I am reminded a little of an old gentleman I know who bought, first, 100 acres of land and then wanted every 100 acres adjoining that and then wanted all the land adjoining that, and there was no end to it. We seem to be in the condition of wanting to buy every piece of land within the city limits that is offered for sale on some plausible pretext that it might be of some use or benefit to the Government now or hereafter, or at least would beautify the city.

In the history of great nations there has always been an era of public improvement just preceding the era of public decay. Pericles beautified Athens, and at the end of his reign decay set in upon the Athenian Republic.

Herod was building temples and beautifying the city of Jerusalem, and provincial governors from Rome were beautifying other cities, in the days of Christ, while the people were suffering under enormous burdens of taxation. The old story of building monuments to the glory of kings and governments is as old as the history of the pyramids of Egypt. The swinging gardens of Babylon were an example of beautifying, and, doubtless, the people of Babylon were proud of the glories of Belshazzar. Every dead civilization found itself tottering to decay amid efforts at beautification and adornment and public expenditure for the glorification of the national capital.

I believe that governments should confine themselves to the useful purposes of government. Of course, more or less adornment and beautification is possible and consistent; but if we are to spend millions upon millions, and then millions more, in order to beautify this part of the city and that part of the city, in rivalry with the glories of other lands and other ages, some will repent our extravagance when our accumulated burdens have become unbearable; and if every time anybody who has a piece of property that he can not profitably use or dispose of he is encouraged to raid the Public Treasury by selling at a fancy price to the Government, there will be no end to this kind of exploitation. Interested parties will always find some plausible excuse to make the Government buy property. That is the way it has been ever since I have been here. I am told that many years ago the Government bought a block by the Belasco Theater under the plea that it was immediately needed for a public building. It is vacant still.

We are now confronted with a proposition to open up West Capitol Street and to pay millions of dollars for property on the south side of Pennsylvania Avenue. That would be the next thing. When the Union Depot was planned we started out with the proposition to buy a little stretch of property in front of the Union Depot, and now we want to widen that Plaza and then buy out all the land between this widened Plaza and the Capitol. Next it will be necessary to widen the roads out to Anacostia or between here and the navy yard, for



what visitor to this city would like to go down along Pennsylvania Avenue and have to look on the shacks that are around the navy yard? We ought certainly to remove all those eyesores and beautify it and make it full of palaces, because all visitors to Washington want to see our navy yard.

Mr. CHAIRMAN, I have reached the conclusion that if the Government will attend to the economic administration of public affairs, the growth and beauty of this Capital will be spontaneous and will be made naturally by the people who settle here and find their profit in the growth of the city and the building of useful and needed structures. If the Government is beginning to spend vast sums or to erect buildings just for the purpose of beautification, such expenditure makes burdens, such burdens make poverty. This way lies the beginning of the ultimate decay, in my opinion. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am opposed to repealing the law providing for the acquisition of this property, and I am in favor of the amendment I offered to appropriate \$500,000 to carry out the original intention of the law. I regret very much that the gentleman from Mississippi [Mr. Sisson] has not recently read the history of the Capitol Buildings and Grounds, and the debate which took place when a very distinguished Representative from the State of Mississippi advocated and urged legislation providing for the two wings of this Capitol and the acquisition of the grounds surrounding it. The people of the United States are indebted more than they will ever be able to repay to Jefferson Davis for the two wings of this Capitol and for the beautiful Capitol Grounds. [Applause.] I regret that it is another gentleman from Mississippi who is not inspired with the same broad views as Jefferson Davis, who is attempting at this time to prevent the completion of the great work for which he is entitled to so much credit.

It is unjust and unfair to assert that this is a scheme to help somebody unload property upon the Government. If I were the owner of property in the tract to be taken I should resist and exert every influence I had to prevent the property being acquired by the Federal Government at this time. No man who is familiar with the development of great capitals, who is familiar with the prosperity and the wealth of this country, and the situation of this Capitol in relation to the Union Depot can doubt for an instant that some day the Federal Government will acquire the property between the Capitol and the Union Depot as a part of the parking system of this city. It should be done now. We should not wait until those who own the property, by letting it remain idle or permitting it to be used for purposes that should not be within the shadow of the Capitol, may be, with the growth of time and the development and improvement of the city, able to obtain in condemnation proceedings a much larger compensation than can possibly be obtained at this time. The improvement of municipalities is something which benefits all of the people of the community. It does not benefit so much the wealthy, those who are in a position to spend their leisure moments in congenial surroundings and under circumstances that appeal to the imagination, but to those who can never leave the community, who are compelled to spend their entire lifetime in it, these movements to beautify cities result most beneficially. People come to this Capital from all over the United States and from all over the civilized world. Who is there in the House or in the Congress who would advocate to-day the selling of a single foot of the property surrounding this Capitol? Who would not rejoice if the property facing the Office Building for the House and the Office Building for the Senate on both sides happened to be owned by the Government of the United States? Why speak of having a building essential for the prosecution of Government business and for the comfort and convenience of the people's representatives and for the gratification of the people when they come here located amidst surroundings that are disgraceful to the community? What are five or six millions of dollars to 90,000,000 people when the making of this Capital such that it will be a credit and a pride to every citizen of the United States, no matter how humble, is involved? [Applause.]

We can not approach these questions in a small or niggardly spirit. We must look upon them with a broad mind, keeping in view the future and the fact that we are destined to be not as we are to-day—the greatest Government and the greatest Republic the world has ever known—but destined to be a Republic and to represent a civilization that we hope will keep in the forefront through all the ages. [Applause.] Our Capitol should represent and typify that civilization.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the adoption of the substitute offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. Sisson) there were—ayes 24, noes 32.

Mr. Sisson. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. Sisson and Mr. FITZGERALD to act as tellers.

The committee again divided; and the tellers reported—ayes 29, noes 38.

So the amendment was rejected.

Mr. Sisson. Mr. Chairman, I offer the following amendment as a substitute for the amendment offered by the gentleman from New York, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend so much of an act approved June 25, 1910, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," as refers to enlarging the Capitol Grounds, so as to read as follows:

"Enlarging the Capitol Grounds: It is hereby declared to be the purpose of Congress to ultimately acquire all of squares No. 632, all that part of square No. 633 that lies west of the street or alley known as Arthur Place, 634, 680, 681, 682, 683, 684, 685, in the city of Washington, D. C., for the enlargement of the Capitol Grounds, and for the construction of a direct avenue of about 150 feet in width from the junction of Pennsylvania Avenue and First Street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly foundation in said plaza. The Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise, and to expend for that purpose not more than \$500,000 in any one fiscal year, commencing with the year 1911, and the persons authorized to acquire such property shall annually, within said limit, purchase whatever of said property is in their judgment offered at the lowest prices relative to its actual value, provided they shall not purchase any property at above its fair actual value. If in any year there should not be offered property substantially up to said sum of \$500,000 at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be \$500,000 worth in any one fiscal year. If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (Stat. L., vol. 26, chap. 837). For the execution of the foregoing, \$500,000."

Mr. MANN. Mr. Chairman, I make the point of order against the amendment.

Mr. Sisson. Mr. Chairman, will the gentleman reserve it for a minute?

Mr. MANN. I understand that it is not debatable.

Mr. Sisson. Oh, yes, it is.

Mr. MANN. I understood that all debate on this proposition had been closed.

Mr. Sisson. I wanted to explain the amendment to the House. I ask unanimous consent to explain the amendment to the House. It will not take but a minute.

Mr. MANN. Mr. Chairman, I am not disposed to cut off debate, but I think we have spent sufficient time upon this.

Mr. FITZGERALD. Does the gentleman from Illinois propose to discuss the point of order? If the gentleman is going to insist upon the point of order we might as well have it settled first. There is no use of occupying considerable time on this matter uselessly when we can not accomplish anything.

Mr. Sisson. Oh, I do not think it is useless.

Mr. MANN. Mr. Chairman, there is no pretense that this is to repeal existing law. This is a modification of existing law. Neither the Chair nor anyone else can tell whether it is a retrenchment of expenditures. It is not the same proposition that was presented before. I do not propose to take the time of the House in discussing the point of order. I thought the other amendment was clearly subject to a point of order on grounds which I then stated. The Chair overruled that point of order. I think this amendment is subject to a point of order upon other grounds; that it is not a retrenchment of expenditures, but simply a modification of existing law, carrying the same amount of appropriation.

Mr. Sisson. Mr. Chairman, in reference to the point of order I will state that the amendment which I offered eliminates certain squares of property, which reduces the amount that would finally be acquired in the purchase of the property embraced in the original act.

The property eliminated is the property that can be seen here and one square here [illustrating on map]. I will say that this was an amendment which the gentleman from New York and I were discussing and which Mr. PAGE was to prepare and to offer as a compromise on this matter eliminating certain sections of property.

Mr. FITZGERALD. I understand that the gentleman rejected that compromise.

Mr. Sisson. Now, Mr. Chairman, in offering this amendment I am sure that it does not present the same question which was in the other amendment which I offered; that on its face it does not reduce the expenditures carried in the

amendment offered by the gentleman from New York. I was in hopes that we might get a vote upon this matter by unanimous consent and exclude from the future purchase of this act the property which I do not think anybody insists we need in opening up a park between here and the Union Station, nor is it needed for the purpose of building a boulevard. It eliminates the property on either side of the Senate Office Building and the property that is not within the view and approach from the Capitol to the Union Station, and I think it would be useless to purchase this property for the purposes which the bill intended originally to cover. I think that it includes entirely more property than is necessary, and for that reason I offer the amendment.

The CHAIRMAN. The Chair is of the opinion that if the amendment reduces the amount of money covered by the bill that it would not be subject to the point of order. The ultimate purpose of the amendment offered by the gentleman from Mississippi is to reduce the cost finally, but the Chair does not believe that it means a reduction of the cost in this bill; or, in other words, the Chair knows officially that within the scope of the original act there is sufficient property to amount to more than \$500,000 in addition to the \$500,000 heretofore expended; and, as it does not reduce the amount of money contemplated to be expended in this bill, or any amendment thereto, the Chair sustains the point of order.

Mr. Sisson. Mr. Chairman, I move to amend the substitute which I have offered here by substituting \$400,000 for \$500,000.

Mr. FITZGERALD. Mr. Chairman, I will object to that. The law authorized \$500,000 worth of property to be condemned, and we ought to appropriate the money in accordance with the law. I ask for a vote on the pending amendment.

Mr. Sisson. If the gentleman is willing to have a vote on this amendment—

Mr. FITZGERALD. I am not willing to have a vote on the gentleman's amendment.

Mr. Sisson. I want to offer another amendment, and the language of the amendment which I have just offered as a substitute is the same as the other, except that I strike out the \$500,000 in the amendment which I have offered and make it \$400,000. I want to substitute for the amendment which I offered an amendment which is identical in language with the other amendment, except that \$400,000 shall be in the amendment instead of \$500,000.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. I do not see that helps the gentleman at all.

Mr. Sisson. I trust the Chair understands what I want to do. I want to offer the amendment which I have just offered and which was ruled out on the point of order because it did not reduce expenses, substituting \$400,000 instead of \$500,000 in the amendment which I offered a moment ago.

Mr. MANN. Let the amendment be reported.

Mr. Sisson. I will ask that the amendment be reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. MANN. An objection would stop it, but has the gentleman a right to offer the amendment? There is nothing before the House. The gentleman has offered an amendment, and let us find out what it is.

The CHAIRMAN. The Clerk will read again the amendment for information.

Mr. Sisson. I offer the amendment.

The CHAIRMAN. The gentleman from Illinois has asked that the amendment be reported.

Mr. BYRNS of Tennessee. I submit this is a new amendment offered by the gentleman from Mississippi that has not yet been reported to the committee.

The CHAIRMAN. If the gentleman will only give the Clerk a chance he will report the amendment.

Mr. MANN. It is not a matter of reporting; it is not done by unanimous consent. I am willing to consent to waive the reading of it, as it has been read three times.

Mr. Sisson. That is what I was endeavoring to explain to the committee. The amendment I now offer is identical to the former amendment, except that \$400,000 is inserted in the present amendment where \$500,000 was in the amendment ruled out on the point of order.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment, and I ask unanimous consent to dispense with the reading.

The CHAIRMAN. Without objection, the reading of the amendment will be dispensed with. [After a pause.] The Chair hears no objection.

Mr. Sisson. The gentleman has not stated his point of order.

Mr. MANN. I make the point of order it is not a reduction of anything connected with the bill; practically the same point of order that was made before applies to it.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the committee to what a remarkable situation the House will be in if this amendment were held to be in order.

If one gentleman could offer an amendment appropriating a certain sum of money to carry out some law, under the guise of reducing the amount carried by the bill, the gentleman could offer an amendment appropriating \$1 less in that amendment and propose to change the law.

Mr. Sisson. This does not change the law.

Mr. FITZGERALD. Certainly it changes the law. It eliminates from the law certain features of it. But on the pretense that it reduces the amounts carried by the bill, it would be the easiest thing if such a ruling was made to have in order any conceivable proposition gentlemen would desire to offer to an appropriation bill. The rule is plain. It must affect the amounts carried by the bill, and pending amendments are not amounts carried by the bill under any construction that can be given.

Mr. MANN. Mr. Chairman, there is a law usually called the pure-food law, and an appropriation to provide for its administrative effect. Suppose, when the deficiency bill comes before the House some gentleman offers an amendment proposing an appropriation of \$150,000 for the execution of the pure-food law, and some gentleman proposes an amendment reducing the amount to \$40, and an entire revision of the pure-food law, neither proposition having been considered by the committee of the House. Now, is the Chair prepared to adopt the rule that under those circumstances there can be precipitated upon the House for a vote an entire revision of the pure-food law when it has received no consideration from any committee and when there is no line in the bill reported either relating to the law or its enforcement?

The CHAIRMAN. The bill itself is yet an unaccepted proposition submitted to the House by the committee and is subject to amendment. The amendment also is an unaccepted proposition made to the House by a Member of the House; and, in this instance, by the chairman of the committee. The Chair holds this subject to amendment. The gentleman from New York [Mr. FITZGERALD] seems, from his remarks, to be laboring under the impression that an authorization of exactly \$500,000 a year is provided for under the original act. That is a mistake. The original act authorizes the expenditure of not more than \$500,000 a year. If the act authorizes an expenditure of not more than \$500,000 a year, an expenditure of less than \$500,000 a year would be authorized by the bill.

Mr. FITZGERALD. Mr. Chairman, the rule does not say an amendment which changes the bill shall be in order, which proposes to reduce the amount in a proposed amendment. It must reduce the amount carried in the bill.

The CHAIRMAN. The Chair sees the hair-splitting difference there which the gentleman suggests. When there is no section in the bill on this subject, the offering of a new section by the committee is an unaccepted proposition, just the same as if it had been submitted to the House originally by the committee.

Mr. FITZGERALD. The committee has not offered any new section. The committee has offered no new provision. I offered that as a Member of the House.

The CHAIRMAN. The Chair put it in the shape of having been offered by an individual, but it was by the chairman of the committee, and the Chair is willing to strike that part of it out.

Mr. FITZGERALD. I call the attention of the Chair to the fact that the only legislation under the rule that is in order is an amendment which was reported by an individual Member of the House.

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from New York is subject to amendment.

Mr. FITZGERALD. I know it is subject to amendment under the rules of the House. It is not subject to any amendment gentlemen may desire to make. The amendment must be in order under the rule, and the rule is what controls and not the peculiar desires of the Members of the House. The gentleman, in order to make his amendment in order, must be able to point to some rule in the House under which the amendment is in order, and not under pretense which no sane construction of the rule can hold it is in order under the rule and precipitate this House into a condition of chaos in the consideration of these bills. That is what such a ruling will do by holding such an amendment in order.

The CHAIRMAN. The Chair is of the opinion that the amendment is in order.

Mr. FITZGERALD. I ask for a vote on the amendment.



Mr. SISSON. I ask that debate close on this amendment. I thought it was closed on the amendment which I offered.

Mr. FITZGERALD. It is closed on all the amendments.

The CHAIRMAN. The question is on the adoption of the substitute offered by the gentleman from Mississippi [Mr. SISSON] to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now comes on the adoption of the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. SISSON. A division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 17.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask that the Clerk return to page 103.

The CHAIRMAN. Without objection, the Clerk will turn to page 103.

There was no objection.

The Clerk read as follows:

Amend, page 103, line 12, after the word "States," by inserting the following: "Including personal services"

Mr. FITZGERALD. I ask, Mr. Chairman, that that be passed over temporarily and that the Clerk return to page 108. The gentleman from Illinois [Mr. FOSTER], who is interested in the matter on page 103, is not present at this moment. I ask that the Clerk turn to page 108.

The CHAIRMAN. The Clerk will read the item.

The Clerk read as follows:

Page 108, line 4:

"GOVERNMENT HOSPITAL FOR THE INSANE.

"For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States who have been admitted to the hospital and who are indigent, including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicles for official use of the superintendent, \$314,400; and not exceeding \$1,500 of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding \$1,000 may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital and for the medical library, and not exceeding \$1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients."

Mr. CANNON. Mr. Chairman, I offer the following amendment: On line 15, page 108, strike out "\$314,400" and insert "\$334,400."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, page 108, line 15, by striking out "\$314,400" and inserting "\$334,400."

Mr. CANNON. Mr. Chairman, a single word touching this amendment. In round numbers there are 3,000 people in the insane asylum, one-half substantially from the District of Columbia and one-half from the Army and Navy. The maintenance cost per capita in round numbers is \$220 a year. It will require the amount named in the amendment to meet the requirements of the service. The amendment meets the estimate, and it meets the appropriation for the current year. I believe the appropriation should be increased as proposed by the amendment.

Mr. FITZGERALD. Mr. Chairman, I simply wish to call to the attention of the committee the fact that this is not a reduction of the amount for the maintenance of this institution. This item of \$314,400 is not, as the gentleman assumes, a reduction in this appropriation. Twenty thousand dollars was deducted from this item, and \$15,000 was added to the item for general repairs and improvements—an item which occurs a little later—and in addition a provision was inserted in the bill requiring the inclusion of the cost of repairs and certain maintenance charges in estimating the cost of maintenance of patients in the insane asylum from the District of Columbia. As a result of it the District of Columbia will pay the full cost of maintaining the patients from the District, and that burden will be taken off the United States. We have simply, by a readjustment of these items, given the estimate practically.

Mr. CANNON. Let me understand the gentleman. The gentleman states that elsewhere in the bill, if it is agreed to, by succeeding items the amounts recommended in the bill will be sufficient, substantially, to care for 3,000 patients.

Mr. FITZGERALD. Yes. I understand the gentleman's amendment increases this amount by \$20,000?

Mr. CANNON. Yes.

Mr. FITZGERALD. The committee deducted \$20,000 from this item, and it added \$15,000 to the item for general repairs and improvements, on page 109, because about that sum was paid out of the other item. Then, the committee inserted a provision to compel the payment by the District of Columbia of that portion of the general repairs and improvements which properly would be prorated to the District patients.

Mr. CANNON. As I understand the gentleman, his explanation is a satisfactory one, namely, that, taking the provisions all together, if agreed to by the House, the provision here, with the other items and provisions touching the insane asylum, will substantially care for 3,000 patients, which is the estimate of the number that there will be, at \$220 a year each.

Mr. FITZGERALD. Not 3,000.

Mr. CANNON. Well, substantially that. In other words, there is no cut in the bill for maintenance?

Mr. FITZGERALD. There is a reduction of only \$5,000 in these items from the current law.

Mr. CANNON. And that reduction is cared for elsewhere.

Mr. FITZGERALD. We believe that that will be cared for by this provision which requires the payment by the District of its proportionate share.

Mr. CANNON. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To reimburse the United States the amount due on account of one-half of the per capita cost of maintenance of indigent patients in the Government Hospital for the Insane from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1881 to 1911, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1913, the sum of \$769,536.09 in seven equal annual installments, which amounts so transferred shall be covered into the Treasury as miscellaneous receipts.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

Mr. FITZGERALD. I think in its present shape it is subject to a point of order. There is only one phase of it, however, that I think is subject to a point of order, and that is the requirement that the money be paid in seven annual installments. If that should be sustained I propose to offer an amendment so that it will be paid in one installment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after line 2, page 109, the following:

"To reimburse the United States the amount due on account of one-half of the per capita cost of maintenance of indigent patients in the Government Hospital for the Insane from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1881 to 1911, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1913, the sum of \$769,536.09, which amounts so transferred shall be covered into the Treasury as miscellaneous receipts."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

Mr. FITZGERALD. What is the point of order of the gentleman from Illinois?

Mr. MANN. It is not in order in this bill to make such a provision even if authorized by law. This is not the bill providing for appropriations for the District of Columbia. This item, if in order at all, would be in order on the District of Columbia appropriation bill.

In the second place, there is no authorization in law for the transfer or making this appropriation. Of course, the transfer could only be considered in order in any event as an appropriation, and there is no authorization in law for this appropriation.

As to whether there has been an excess charge or a lack of charge is a matter which requires legislation, and the committee having jurisdiction of the legislation for the District of Columbia is the Committee on the District of Columbia.

This proposes to acquire in this bill an appropriation of over \$700,000 from the District revenues to be paid to the United States Treasury on a claim which the United States Treasury may have against the District. No one is prepared to know what the law is on the subject, or whether there is any law, and the gentleman can not base an appropriation upon the claim merely that the District of Columbia has not paid its proportional share. It requires legislation to accomplish the purpose, and that legislation should come from the proper committee.

Here is the situation: This House has already authorized the District Committee to make an investigation of the books of the District. That committee is engaged in making such investigation. We originally appropriated a certain amount of money out of the contingent fund for that purpose, and we have

recently added to the amount which may be expended for that purpose. When the District Committee reports it has a right to report recommending that certain action be taken. But until that is had it is not within the province of the Committee on Appropriations in the sundry civil bill to go back for all time and undertake to determine for themselves whether the Government owes the District or whether the District owes the Government for matters which have taken place in the past. This is not an appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, or anything in relation to it. I do not desire to consume very much time in arguing points of order or otherwise, because I hope that we can get along with this bill and get through with it. To me it is perfectly clear that it is subject to a point of order.

Mr. FITZGERALD. Mr. Chairman, I can not agree with the gentleman. In the first place there is nothing in the rule which requires the Committee on Appropriations to report in any particular bill appropriations over which it has jurisdiction. In the second place it is well established that the committee can report in any bill over which it has jurisdiction for deficiencies in any service over which it has jurisdiction. Under the law the District of Columbia is authorized to send certain classes of insane to the Government Hospital for the Insane. Appropriations have been made from time to time to cover the cost of maintaining these District insane and investigation has disclosed that in a number of instances the District has not paid the full amount it should have paid for maintaining the insane properly chargeable to it. I have seen some statements of the auditor showing the balances due from the District to the United States for certain years. The books in the Government Hospital for the Insane disclosed that the District is indebted to the United States for the amount named in this amendment for care of the insane.

This provision merely proposes to appropriate from the revenues of the District a sufficient sum to meet a deficiency which now exists in the appropriations heretofore made for the care of the insane of the District in the Government Hospital for the Insane. This item supplies deficiencies in the appropriations heretofore made for that purpose during the period indicated in the amendment.

The CHAIRMAN. In 1857 the first provision was made that District lunatics might be put into this asylum. That arrangement went along until 1876, when by another act of Congress, which is to be found in volume 19 of the United States Statutes at Large, page 108, a law was enacted to the effect that the District of Columbia should pay one-half of the expenses of the indigent persons who might be thereafter admitted from the District of Columbia into the Hospital for the Insane.

The next act bearing upon the subject is that which is commonly called in the District of Columbia the "organic act," the act of June 11, 1878, in which the half-and-half plan is contained. If there was any obligation imposed upon the Federal Government by the act of June 11, 1878, it was repealed by the act which is to be found in volume 20 of the United States Statutes at Large, at page 230, of date June 20, 1878, which reads as follows:

That one-half of the expense of the indigent persons who may be admitted from the District of Columbia shall be reported to the Treasury Department, and charged against the appropriations to be paid toward the expenses of the District by the General Government.

That is a direct piece of legislation, that one-half of the expenses on account of the indigent insane from the District of Columbia shall be paid by the District of Columbia and charged against the appropriations toward the expenses of the District of Columbia by the General Government. The question now arises, first, as to whether or not that has been done, and, next, if it has not been done, can it be done now in this bill and in this way? The gentleman from Illinois [Mr. MANN] has just stated that this paragraph is not in the proper bill. There are numerous precedents where everybody who has been called upon to rule upon this question has held that appropriations concerning the District of Columbia may be contained in any of the general appropriation bills, and it is all the time practiced.

The next question that arises is this: Has this fund been converted into the Treasury as directed by the statute of May 20, 1878, a section of which the Chair just read? The Comptroller of the Treasury has decided upon numerous instances that that has not been done. The Chair now has in hand a communication which reads as follows:

TREASURY DEPARTMENT,  
FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., November 16, 1882.

GENTLEMEN: An account between the United States and the District of Columbia for expenses of indigent insane District patients in the Government Hospital for the Insane during the fiscal year which ended

June 30, 1879, has been settled per first auditor's report, No. 229391, as certified by this office, and there has been found to be due the United States the sum of \$4,300.10, as is shown by the inclosed statement.

Very respectfully,

W. LAWRENCE, *First Comptroller.*

This was addressed to the Hon. Joseph R. West, T. P. Morgan, and Maj. Garrett J. Lydecker, Commissioners of the District of Columbia.

Another ruling and also certification made by the Comptroller of the Treasury is as follows:

TREASURY DEPARTMENT,  
FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., March 23, 1883.

GENTLEMEN: An account between the United States and the District of Columbia for expenses of indigent insane District patients in the Government Hospital for the Insane during the fiscal year which ended June 30, 1880, has been settled per first auditor's report, No. 229411, as certified by this office, and there has been found to be due the United States the sum of \$27,490.98, as is shown by the inclosed statement.

Very respectfully,

W. LAWRENCE, *First Comptroller,*  
By JOS. AD. THOMSON,  
*Acting Deputy First Comptroller.*

This was addressed to Hon. Joseph R. West, James B. Edmonds, and Maj. G. J. Lydecker, Commissioners of the District of Columbia.

Another ruling made by the Comptroller of the Treasury, and so certified by him, is as follows:

TREASURY DEPARTMENT,  
FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., January 18, 1884.

GENTLEMEN: An account between the United States and the District of Columbia for expenses of indigent insane District patients in the Government Hospital for the Insane during the fiscal year which ended June 30, 1881, has been settled, per First Auditor's report No. 229498, as certified by this office, and there has been found to be due the United States the sum of \$24,678.25, as is shown by the inclosed statement.

Very respectfully,

WILLIAM LAWRENCE,  
*First Comptroller,*  
By J. TARBELL,  
*Deputy First Comptroller.*

That was also addressed to Hon. Thomas B. Edmonds, Joseph R. West, and Maj. Garrett J. Lydecker, Commissioners of the District of Columbia.

A further photographic reproduction of a statement from the accounts, as kept by the Treasury of the United States, which the Chair has before him, shows that those certifications continued until 1888, during all of which time, except during the first two years, they were absolutely ignored by the Commissioners of the District of Columbia, and not one cent was paid to the Federal Government by the District of Columbia, as was certified by the Comptroller of the Treasury to those commissioners.

The law not having been complied with, as set out in the act of June 20, 1878, which reads as follows:

\* \* \* and charged against the appropriations to be paid toward the expenses of the District by the General Government—

the Chair, upon mature consideration of the matter, is of the opinion that the amendment offered by the gentleman from New York is not such legislation as is forbidden by the rule. It is what might be termed "congressional dictum"; or, as the District Commissioners in a communication to the President have denominated, "legislative direction," to the executive officers of the United States to do that which they should have done without this direction.

The law already directs that these transfers shall be made upon the accounts between the District of Columbia and the Federal Government. This paragraph is not, therefore, new. That law has been ignored, notwithstanding the fact that the Comptroller of the Treasury has repeatedly called the attention of the Commissioners of the District of Columbia to it, and they have failed and refused thus far to comply either with the law or with the direction of the Comptroller of the Treasury as he has construed the law.

The Chair is, as said, of the opinion that this is not new legislation, because no change in the law is made hereby. It is simply a congressional direction to the executive officers to do that which they should have done without it. The Chair, therefore, overrules the point of order.

Mr. MANN. Mr. Chairman, I have not yet learned the distinction between legislation and a legislative direction to the administrative officers of the Government. The Chair has ruled the item in order. I would like to ask the chairman of the Committee on Appropriations whether that committee or the subcommittee preparing the sundry civil appropriation bill, or the subcommittee that has jurisdiction over appropriations for the District of Columbia, heard anybody representing the District with reference to this item?

Mr. FITZGERALD. It did not; but I call—

Mr. MANN. That is a sufficient answer.

Mr. FITZGERALD. That hardly answers the question.



Mr. MANN. That answers my question, but I am quite willing that the gentleman should extend his answer.

Mr. FITZGERALD. It does not give the gentleman all of the information to which he is entitled. Later, when the committee was at work upon the general deficiency appropriation bill, the auditor for the District of Columbia called attention to this provision, and I gave the auditor a copy of the testimony before the committee and suggested that he examine it and furnish any statement he thought proper to the committee.

Mr. MANN. Mr. Chairman, here is a proposition which the Chair has ruled in order as a legislative direction to the administrative officers to go back and take money out of the District since 1881 on old claims. I do not know the merits of the proposition, but no committee of the House that has jurisdiction of the subject has had any hearings upon the subject at all.

Mr. FITZGERALD. The Committee on Appropriations has jurisdiction.

Mr. MANN. The subcommittee of the Committee on Appropriations having jurisdiction over the District of Columbia appropriations has had no hearings, the gentleman states. The subcommittee representing the sundry civil appropriation bill, which has no jurisdiction over District of Columbia matters, has had hearings. The Committee on the District of Columbia has had no hearings. I would not hang a dog upon such evidence, much less endeavor to take nearly \$800,000 out of the treasury of the people of the District of Columbia without a hearing, without giving the District Commissioners a chance to be heard. I have not discussed the matter with anyone. I noticed in the newspapers some things in regard to it, and the gentleman says they have had no one representing the District before his committee upon this proposition. Yet it is proposed, without a hearing on a matter that is in controversy at the best, that Congress shall do what the Chairman describes as a sort of dictum, namely, determine the matter regardless of law, regardless of the decision of the accounting officers, and require that there be taken out of the revenues paid by the District people this sum of money, to be paid into the Treasury of the United States.

There ought to be a settlement if there is a controversy, and it ought to be settled by the proper officers. If the District owes the United States, the amount ought to be paid; if perchance the Government owes the District, the amount ought to be paid, but it should not be paid when there is a controverted question of accounting.

Mr. FITZGERALD. Mr. Chairman, there is no controverted question of accounting.

Mr. MANN. I say there is. I have often heard lawyers say there is no controversy in a case, but that is the opinion of the gentleman as to whether there is a controversy, and I do not agree with the gentleman.

Mr. FITZGERALD. I did not say what the gentleman said; I am making my own statement.

Mr. MANN. That is the opinion of the gentleman, that there is no controversy.

Mr. FITZGERALD. I say there is no conflict in the question of accounting. Under the law the District is entitled to send certain insane patients to the Government Hospital for the Insane. The books of the Government Hospital for the Insane show that for 25 years the District has failed to pay for the patients sent there under the law. There is no question of accounting; it is a matter of fact; and the facts appear of record, and all the testimony that the District Commissioners would give from now to the end of the year can not change the facts, because the records are not in their possession. The Superintendent for the Government Hospital for the Insane has been endeavoring to compel the District to pay what is due. This year he finally compelled them to pay, and also last year, because of the ruling of the Comptroller of the Treasury that the District could no longer shirk its duty in this respect. The Committee on Appropriations, whenever it finds a situation so simple, when an application to the records shows clearly that the District is indebted to the General Government, that it has been enjoying the benefits of the Federal Treasury improperly, does not need to search out gentlemen who may desire to make statements not based upon the facts or statements based upon other things than the facts in order to reach a conclusion. From the books of the insane asylum, which show the amount that the District failed to pay for the maintenance of patients properly chargeable to the District, the committee acted.

The Committee on Appropriations has jurisdiction of this matter, and the inquiry having been made regarding the appropriations made out of the Federal Treasury for the support of the insane properly chargeable to the Federal Treasury found that part of that money was being taken for the support of the patients that should have been supported out of the

District treasury. It did the only thing that could be done; that is, to recommend a provision that would appropriate from the revenues of the District the amount it had failed to pay for the care of patients properly chargeable to it in the past. I think the District should pay it, and I hope the amendment will be adopted.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced the yeas seemed to have it.

On a division (demanded by Mr. FITZGERALD) there were—ayes 33, yeas 11.

So the amendment was agreed to.

The Clerk read as follows:

For roadways, grading, and walks, \$5,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 109, after line 18, insert "for cement wall about Howard Hall and shop and storehouse building, \$55,200."

Mr. CANNON. Mr. Chairman, the superintendent of the insane asylum was heard touching this item. This is one of the estimates made and formally transmitted. We have just enacted a provision that gives credit to the Federal Treasury for three-quarters of a million dollars, in round numbers, that the District, under the law, owes to the United States. The money is in the Treasury to comply with that direction from the District revenues, as I understand it. Now, they are pretty badly off over there at the insane asylum for many improvements, and as the District contributes its half, there is a much less sum that comes into the Federal Treasury, or something less, required to put that institution into good shape and proper shape so that humane and safe treatment may be given not only to those who are entitled to admission from the Army and Navy and for insane indigent soldiers of the Civil War, but also to give proper care to the insane of the District of Columbia. This is one of several amendments I propose to offer. I read the note on which this estimate is transmitted:

For cement wall about Howard Hall and shop and storehouse building, \$55,200.

And I crave the attention of members of the committee to this fact.

NOTE.—This item is in lieu of a previously requested appropriation of \$160,000 for a new building for the criminal insane, and is based upon the recommendation of a special committee which has spent considerable time in studying the accommodations for the criminal insane and the problem of their future care at the hospital. The present building has never been altogether safe for such a dangerous class of patients, and although its safety has recently been increased by remodeling the window guards, still it is considered that further safeguard should be taken. It seems most feasible to construct a cement wall 24 feet in height about the building at a considerable distance. This will not only render escape from the building practically impossible, but will give a much-needed outside courtyard for exercise. The construction of a shop and storehouse building is made necessary in connection with this proposed wall for the reason that the basement of Howard Hall is at present used as a shop and storehouse, and if a wall were constructed about the building the use of the basement for these purposes would have to be abandoned, and, as there is no other available place to which to move, the construction of a separate building is rendered necessary.

This estimate has been presented in accordance with the special report made by the special committee appointed by the Secretary of the Interior for the purpose of making an inquiry into the needs of the Government Hospital for the Insane, and for outlining the future policy of its growth. It is believed to be essential as a matter of public safety so long as the criminal insane are maintained at the institution.

I will not take the time to read from the hearings the statement of Dr. White touching this matter. It is fuller than the note which has been read. The criminal insane are dangerous to themselves, are dangerous to each other, are dangerous to the people that are not in the insane asylum. I hope the amendment will be agreed to.

Mr. FITZGERALD. Mr. Chairman, the estimates recommending a number of the improvements were withdrawn when Dr. White was before the committee. This particular item was for \$55,200, for the purpose of building a cement wall around one building and erecting a workshop outside of the wall. The committee, in view of all the facts before it, did not feel justified in recommending the appropriation. A number of these recommendations were of such a character that the committee did not feel that it could properly recommend the appropriations of the amounts requested for the purpose asked. For instance, there was a request for \$65,000 to build a barn to accommodate 200 cows and some hogs. Even those members of the committee who are not engaged in agricultural pursuits were rather astonished at the request, and it was modified by having the \$65,000 item withdrawn and an appropriation of \$50,000 substituted instead. Even that sum

appeared to members of the committee, who were quite familiar with the management of farm animals and accommodations for them, as being excessive to accommodate 200 cows and the number of hogs that were there. These estimates were undoubtedly made in the same way. The gentleman from Kentucky [Mr. SHERLEY] called attention to the fact that in the annual report of the superintendent the recommendation was made for a residence to cost \$40,000 for the superintendent of the asylum. These various recommendations seemed to the committee to be on such a scale that they could not be justified, and they did not recommend any of the estimates that were placed upon such a plane. There are ample accommodations for the insane of the District and the Government at the present institution.

A suggestion was made that some additional land should be purchased, but it is very doubtful whether it is advisable to acquire additional land for the present institution, or if it be necessary to accommodate a much larger number of insane, to remove them some place else where land will be much more reasonable and where accommodations can be more economically provided. This institution at present has about 3,000 insane. That seems to be about as large a number as could be accommodated in one institution. The committee did not believe it desirable to enlarge it. Some of the recommendations which the gentleman intimates he will offer to the committee in the form of an amendment were not considered and recommended because of the conviction that they could not be justified on the information in the possession of the committee.

I hope the amendment will not be agreed to.

Mr. CANNON. Mr. Chairman, I move to strike out the last word in order to call attention to the reply that the chairman of the Committee on Appropriations has made in opposing this amendment. I did not take time to read the statement of Dr. White, which is much fuller than the note that was submitted with the estimate, and is to be found in the hearings. There was a board appointed by the Secretary of the Interior to consider the condition of St. Elizabeth Insane Hospital. It consisted of George H. Torney, Surgeon General of the Army of the United States; A. W. Dunbar, surgeon of the United States Navy, representing the Secretary of the Navy; Robert V. La Dow, superintendent of prisons, representing the Attorney General; William V. Judson, engineer, United States Army, representing the Commissioners of the District of Columbia; and Dr. William A. White, superintendent of the Government Hospital, representing the Secretary of the Interior. This report made to the Secretary of the Interior and transmitted by message from the President covers some 37 pages. It is a very interesting report and shows the absolute necessity not only for this appropriation but for many other appropriations.

Mr. BOWMAN. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. BOWMAN. Do I understand that there is no proper protection so that the inmates of this home now can have outdoor exercise?

Mr. CANNON. There is no proper protection for the criminal insane to prevent their escape, and it is proposed to build a wall about the building in which they are confined and give a little place for outdoor exercise; and not only for exercise, but principally for the protection of the public and for the protection of the 2,500 other patients that are at St. Elizabeth. My friend from New York [Mr. FITZGERALD] is one of the most astute Members of the House in defense of his bill. He says there was an estimate of an appropriation for additional land. I will offer that amendment presently. He also says there was an estimate of an appropriation for a house for the superintendent to live in, and that there was an estimate for an appropriation submitted for the building of a barn, and so on, and so on; and that the committee anticipated that at some time or other there may be an additional insane asylum constructed. I have heard that for 25 years. There has not been and will not be, in my judgment, an additional asylum. So that, not talking gravely about the necessity of this appropriation, the gentleman says, "Oh, well, we considered these propositions and did not give any of them."

Mr. Chairman, I am ready for a vote.

Mr. SHERLEY. Mr. Chairman, little things are very indicative at times of the temper and capacity of men making recommendations, and when a committee appointed to investigate this hospital for the insane make a recommendation as a serious proposition to spend \$40,000 for a superintendent's house they have to do a good deal to convince me that they are safe people to follow.

I think a recommendation of that kind is so wantonly extravagant and inexcusable as to show on the part of the men making it a total lack of appreciation of the needs of an insti-

tution and of the policy that the Government should follow in connection with one; and they did make that recommendation, as will be found upon an examination of page 27 of the report of the Government Hospital for the Insane.

Now, that is simply in keeping with a great many other recommendations that have been made in connection with this institution. I do not agree at all with the gentleman from Illinois [Mr. CANNON] that it is nonsense to talk about an additional insane asylum. I believe that we have reached, if we have not already passed, the proper point of size for a Government insane asylum, and if we are to go on enlarging this institution, which is now right at the edge of the town, and buy property practically at city prices, in order there to confine in one institution all the insane of the country, it does not strike me as either in the line of good administration or economy or common sense.

Nor is it true in any correct sense of the word that this improvement is necessary in order to make safe the confinement of the criminal insane, and the hearings do not bear out that statement. It is stated and alleged that it will make their confinement safer. But there were none of us who were familiar with the conditions who felt that it was necessary to spend this money in order to insure the safety of those patients. And I repeat that the recommendations that have come from time to time touching the Government Hospital for the Insane have led me to believe that there is a total lack of appreciation on the part of those who are managing the concern of the limitations that should be put upon such an institution.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. BOWMAN. Do I understand the gentleman to say that there is an opportunity now for the criminal insane to have adequate out-door exercise?

Mr. SHERLEY. I did not say that; but I do believe there are facilities now. I did say that this was not necessary to prevent the escape of the criminal insane, and I will now read the statement of Dr. White, who put, to say the least, the most favorable construction possible upon conditions in order to back up these estimates of his. He says:

Dr. WHITE. Howard Hall is the building in which the insane criminals are confined. The object of this cement wall is to increase the safety of caring for that class of people. We have had in the past year in that building some of the most dangerous men in the United States, and we have spent several thousand dollars in making that building as secure as we can, but it is still an insecure building. It was built a good many years ago, and one of the very material elements of insecurity is the presence of something like 300 windows right outside, without any protection from anybody getting things into the building through the windows, except by having watchmen to patrol the grounds. The object of the wall, therefore, is to prevent access to the building by evil-minded people who may pass in weapons, for example.

Now, it ought to be stated in that connection that there has been a remodeling of the windows, whereby they are protected by iron gratings. If, on that statement, it could be said that there is any great danger of the criminal insane escaping, then I fail to properly weigh language.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 109, after line 18, insert:

"To enable the Secretary of the Interior to purchase additional land for the Government Hospital for the Insane, \$100,000, or so much thereof as may be necessary."

"In the event of his inability to make such purchase, the Secretary of the Interior shall proceed in the manner prescribed for providing a site for the Government Printing Office, in so much of the act of July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, to acquire the land desired; and for the purpose of such acquisition the Secretary of the Interior shall have and exercise all the power conferred upon the Public Printer in such act; the appropriation to be disbursed by the Secretary of the Interior."

Mr. CANNON. Mr. Chairman, I shall not take much time in calling the attention of the committee to this or other amendments that I may offer. It is perfectly patent that however meritorious the amendment may be, in my judgment, from my standpoint, the majority of the committee, under the leadership of the chairman of the Committee on Appropriations, constituted as it is, will vote down each one of them. I voted for the amendment offered by the gentleman from New York reimbursing the United States for three-quarters of a million dollars that the District owed it for the care of the District insane; and in the future I apprehend that they will have to pay the amount that the law requires them to pay.

I think that that legislation was apt; but what right have we, in caring for our own people, caring for the insane of the



Army and the Navy and the indigent insane, the soldiers of the Civil War—what right have we to fail to provide for them while we collect from the District of Columbia for the care of their insane the full price and to make them reimburse the Government by three-quarters of a million dollars, two-thirds of which, if appropriated, and all of which, if appropriated, would buy this land and make the insane asylum what humanity requires it to be?

Now a word as to the merits of this amendment. The note in the estimate says:

NOTE.—The need of additional land by the hospital has been appreciated for some time, and each superintendent for many years past has requested appropriations for its purchase. The need of land has become more acute of late because all of the new construction has been placed upon land previously used for farming purposes, thus restricting the output of the farm to such an extent that it is now impossible to raise enough fodder for the dairy herd. The hospital is increasing in size at the rate of upward of 100 patients per annum and more buildings must be added in the near future, which will still further infringe upon the land used for farming.

NOTE.—The need of additional land is recognized by the special committee appointed to inquire into the needs and future policy of the hospital, and its purchase has been recommended in the committee's report.

Some years ago it was necessary to make some provision for a considerable enlargement of this insane hospital. There was a proposition to buy some land adjoining it on the South. That proposition failed. Buildings were provided, and they crossed the road for the erection of the educational buildings. Now, I have no doubt in my own mind, from what knowledge I have been able to obtain, that this amendment ought to be agreed to and the additional land obtained. For one I am not willing to postpone action upon the statement that as the city extends the land becomes more valuable. That is true, and now is the best time to obtain that land. Nobody believes, in my judgment, that this large expenditure at this great plant at the insane asylum ever will be abandoned, and it can be more economically administered by the purchase of the additional land now.

Mr. FITZGERALD. Mr. Chairman, many years ago, when the gentleman from Illinois was the chairman of the Committee on Appropriations, a proposition was made to buy additional land and erect additional buildings for this institution. Congress authorized the erection of the buildings at a cost to the United States of a million dollars or more, but declined to buy the land. Ever since that time it is my recollection that there has been an attempt made to obtain additional land. The Government Hospital for the Insane has about 800 acres of land at present, over 357 of them are devoted to agricultural purposes. The land that it is proposed to purchase at present is of very little value for agricultural purposes. The superintendent does not know how much it will cost, and he does not believe that it can be obtained for less than \$500 an acre, and in his opinion it would not be worth \$500 an acre for agricultural purposes.

So the only reason for buying this land would be to hold it and to hope that at some future time it might be utilized for the construction of buildings thereon. The tract in contemplation is a tract of about 150 acres, for which it is desired to appropriate \$100,000. It would be much better, if additional land is needed, to buy a farm some place out in the country for the benefit of this institution, to remove the herd and the raising of the crops for the benefit of the institution from the vicinity of the institution to farm land that could be purchased within a reasonable distance of the institution at farm-land prices. The committee could not justify the expenditure of \$100,000 to purchase 150 acres of land that is of very little value for agricultural purposes and as to which there is no prospect of buildings being erected thereon. Under the circumstances, I hope the amendment will not be agreed to.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. FOSTER. Does the Government own some land over there that is operated in connection with the asylum which is detached from this land?

Mr. FITZGERALD. It does. They have a place some miles from the asylum.

Mr. FOSTER. If we are going to buy land over there for the purpose of farming, is it not the gentleman's idea that we better buy it out there?

Mr. FITZGERALD. Yes; out where farms are and not in the city. There are over 300 acres that can be utilized for buildings.

Mr. CANNON. Will the gentleman offer an amendment to buy the farm land that is detached.

Mr. FOSTER. Oh, I do not know anything about the matter.

Mr. CANNON. Will the gentleman from New York offer such an amendment?

Mr. FITZGERALD. For what?

Mr. FOSTER. To buy the farm land over there.

Mr. FITZGERALD. I shall not. Mr. Chairman, there is one thing else I wish to say. The gentleman from Illinois [Mr. CANNON] seems to be petulant if this side of the House will not vote for amendments which he offers. He should not complain. We remember the gentleman from Illinois as chairman of the Committee on Appropriations. It was a very sad day for anybody on this side of the House to presume to offer an amendment to any bill of which he had charge. These matters have been thrashed out in the committee. Members of the committee have reached their conclusions upon them. The gentleman does not bring in any additional information. It is not to be expected that we should be of such shifting minds that one day we would be of one mind and another day another. The gentleman should be content to let this side of the House assume and bear the responsibility for the legislation which it is enacting.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of making a single observation. I am quite aware that the majority of the House and the committee at this time will settle these appropriations. The gentleman says that I am petulant. Nay, nay; I am only earnest. I am going to stop right now after this amendment is disposed of. I apprehend, without being a prophet or the son of a prophet, that the majority will withhold the appropriation covered by the amendment which I have offered.

There are many other amendments that ought to be offered, but what good would it do? It is my judgment, and as a member of the minority and from the standpoint of humanity I feel that I ought to call the attention of the committee to the necessity for improvements at St. Elizabeths Insane Asylum, and in most perfect good humor after you have voted down my amendment I am going to subside as quietly as possible, and hope that some time in the future, if you should be continued in power, you will take better care of those unfortunates than you are now doing; and if we should be so fortunate as to be returned to power I shall appeal with the same earnestness to the majority side of the House for this and similar appropriations.

Mr. FITZGERALD. Mr. Chairman, I wish to remind the gentleman from Illinois that in the Sixtieth Congress he appointed a very excellent committee of this House to investigate the insane asylum. That committee made a report and did not recommend, among other things, the purchase of this land. In all the years that I have been in the House this same recommendation has been made to Republican Congresses, and they have steadily refused to purchase this land.

I have never heard any criticism that the insane were to suffer because of the failure to acquire the land. I do not believe there is any danger of suffering if we do not at this time buy it. The acquisition of this land determines a policy. It would mean that it was the intention of Congress to very greatly increase the present institution. I am one of those who believe that as additional facilities are needed it would be better to provide them in a separate institution. An institution with 3,000 inmates is about as large an institution as it is wise to have under the control of one man in order to have proper and efficient management. That is one of the reasons I do not believe it desirable to buy this land.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 14, noes 35.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I shall withhold the offering of sundry other amendments touching the insane asylum simply because I do not care to consume the time of the committee in offering what seem to be necessary amendments and in having them voted down.

The Clerk read as follows:

For fuel and light, in part payment for fuel and light, Freedmen's Hospital and Howard University, including necessary labor to care for and operate the same, \$3,500.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 110, after line 23, insert:  
"For dormitory for men, \$150,000."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order. It is not authorized by law.

The CHAIRMAN. The Chair is of opinion that it is subject to the point of order.

Mr. CANNON. How is it subject to the point of order?

Mr. FITZGERALD. For the same reason that the item included in this bill for a science hall for Howard University was subject to a point of order three or four years ago. It was held that it was not authorized by law. This is not authorized by law. It is not Government property, as I recall, and there is no authority for this building.

Mr. CANNON. I do not recollect the item to which the gentleman refers.

Mr. FITZGERALD. I recollect, because I helped to get the building authorized in a different way. There was a provision in the bill for a hall of science to cost \$90,000, and it was taken out on a point of order.

Mr. CANNON. Will the gentleman be kind enough to indicate to me the way?

Mr. FITZGERALD. Nay, nay. [Laughter.]

Mr. KAHN. I suspect he went over to the Senate and got the amendment offered there. Am I correct in my surmise?

Mr. FITZGERALD. We got it in the House.

Mr. CANNON. Notwithstanding a point of order was made to it and sustained?

Mr. FITZGERALD. Yes. It was through a little ingenuity.

Mr. CANNON. Did the gentleman appeal from the decision of the Chair?

Mr. FITZGERALD. Oh, no; we put it in in a different way, with the assistance of gentlemen upon the other side.

Mr. CANNON. Then, by the gentleman's solitary cuteness, he avoided the rules of the House and got a desirable appropriation that was not in order?

Mr. FITZGERALD. The gentleman knows that sometimes things can be done by a little skill and preparation.

Mr. CANNON. Possibly so; but I know of no way, if this amendment is not in order, which will enable me to avoid the rules of the House and still get the appropriation.

Mr. FITZGERALD. Neither do I. I do not think there is any way by which the gentleman can get this put in the bill.

Mr. CANNON. Mr. Chairman, upon the point of order: Freedmen's Hospital has been cared for for almost a generation. It has grown. It is a public work.

Mr. FITZGERALD. It is not Government property. This is not to erect a building on Government property. It is not authorized by law. So, therefore, the amendment is not in order.

Mr. CANNON. Mr. Chairman, I will ask the gentleman by what authority the appropriation for maintenance is made, for tools and materials, for the medical department, and so forth? Is all that unauthorized by law and is all that going on by unanimous consent? Are the expenditures placed under the Interior Department and audited without law?

Mr. FITZGERALD. I have never been able to find any statute for it. Has the gentleman from Illinois? He knows these appropriations are gratuities. The Federal Government has been appropriating these sums for the aid of Howard University year by year without objection on the part of anybody, but there is no authority to be found in any statute for it.

Mr. CANNON. And yet are they not under the control of the Government?

Mr. FITZGERALD. I think the Secretary of the Interior is on the board of trustees, and I think he has some control over expenditures, but I do not recall the statute.

Mr. CANNON. The gentleman has sitting at his side the very efficient clerk of the committee. Will the gentleman inquire of the clerk of the committee whatever of legislation, if there is any, touching this matter and inform me?

Mr. SHERLEY. This is one of the occasions when Jupiter nods. The clerk does not know, and it is the only time I have ever struck him when he did not, but it is a fact.

Mr. FITZGERALD. This is a corporation incorporated under an act of Congress. My recollection is the Secretary of the Interior is on the board of trustees and exercises a certain control over these expenditures.

Mr. CANNON. Precisely, and the expenditures are made by the Government, under the supervision of the Government, supported by the Government in large part, and have been from the commencement. There is an endowment fund, and every dollar that is expended is—

Mr. FITZGERALD. It has a very slight endowment fund. There is some money obtained from students.

Mr. CANNON. Oh, well, the endowment fund is larger than the gentleman seems to intimate. He says it is very slight. My recollection is—I have the report here somewhere—that the income is from charges to students and endowment, probably one-third of the cost. I am ready for a ruling of the Chair.

The CHAIRMAN. The Chair is waiting upon the gentleman from Illinois, and thought he intended continuing his remarks. The Chair is ready to rule.

Mr. CANNON. Very well.

The CHAIRMAN. The precedents are unbroken that even upon Government property new buildings have to be authorized. There is no authorization for this building; it is not on Government property, and therefore the Chair sustains the point of order.

Mr. CANNON. If the Chair will allow me, I do not think the precedents are such as the Chair says. I think, too, at any of the institutions controlled by the Government you do not have to have an authorization for every building that is constructed. However, let it go.

Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 110, after line 23, insert "for assembly hall for university uses, \$75,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that it is not authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. Mr. Chairman, how far has the Clerk read?

The CHAIRMAN. Down to and including line 23 at the bottom of page 110.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the Howard University has had a very remarkable growth in the last decade under very efficient superintendence. I do not know of an institution that has had a better growth. In round numbers there are 1,500 or 1,600 students. It is the only institution, so far as I know, substantially set apart and devoted to the consideration of those of the colored race who desire knowledge in medicine and surgery, in agriculture, in law, chemistry, physics, manual training, and especially in training of students as teachers, so necessary for the oncoming generations even of white people. More and more substantially the colored citizens of the United States are excluded, if not by law by practice, from universities and colleges of the country. I believe that the maintenance of Howard University should keep step in efficiency with the increase of students, and with accommodations for the rapidly increasing number of students.

Mr. BOWMAN. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. BOWMAN. On page 1412, part 2 of the hearings, Dr. Thirkield states, in answer to a question of the chairman:

The CHAIRMAN. Just state the necessity for the dormitory.

Dr. THIRKIELD. There has been no increase in dormitory accommodations since the original buildings were erected, over 40 years ago. Of the nearly 1,500 students in attendance, four-fifths of whom are men, only one in five can be accommodated in present dormitories. It is unfortunate that the young men who are in training as the intellectual, moral, religious, and industrial leaders of their race are thus forced out into the miscellaneous lodging places of the city, and are not kept under the direct supervision, control, and uplifting influence of the dormitory life of the institution. The men's dormitory that was built for 125 men has in it more than 200 men.

Mr. CANNON. Oh, yes; and much more of the same kind.

Mr. SHERLEY. Will the gentleman permit? There is hardly a college in America, certainly none I know of, where students are confined within the college boundaries. I attended the University of Virginia, one of the great universities of America, and it is not true there and it is not true of the great colleges of which I know, and how you can say that negro students attending Howard University are going to be injured by living in the city of Washington rather than living in the university grounds passes my understanding.

Mr. CANNON. There is greater demand for accommodations in the dormitories and those accommodations are paid for by the students. The bare statement of the location of this institution and the statement of the late superintendent, Dr. Thirkield—who, I very much regret, leaves this work for other work—show the propriety, aye more, the necessity, for appropriating as recommended in the estimates.

Even in such an institution for white people the dormitories are desirable. If they are builded, they are self-supporting and paid for by the students. It seems to me, for reasons assigned, that the dormitories are desirable. Now, then, this whole matter is larger than the expenditure of a few thousand dollars or many thousand dollars. I do not seek to criticize anybody anywhere for the condition touching our colored American citizens. I think, everything considered, they have made marvelous progress. That great institution in Alabama is doing good work, as I am informed and believe, under the leadership of Booker T. Washington, but this institution for the training of teachers and instruction in agriculture, and otherwise, is a practical training which they receive, and surely, surely, it ought to be liberally supported.

Mr. BOWMAN. Will the gentleman yield once more?

Mr. CANNON. Yes.



Mr. BOWMAN. I see on page 1404 of these hearings that the amount of income received from students, for fees and rent of dormitories, and so on, was \$47,781.

Mr. FITZGERALD. I suggest to the gentleman that for 16 years they have had these dormitories, and during all that time the gentleman from Illinois has never agitated himself about it. I have stood here and fought for this institution and am just as friendly to it as anybody in the House. Nobody was convinced that there was any pressing necessity at this time for these two buildings. We have been liberal in the appropriations for the support of the institution. That is all we should be. There is no necessity for attempting to place anybody improperly before the country in connection with these items.

Mr. CANNON. I am not seeking to place anybody improperly before the country, but with the doubling up of the membership of this institution I say there has been no adequate appropriation made for their accommodation.

Mr. FITZGERALD. The necessity has not arisen this year, and the gentleman has not advocated the increased accommodations during the past 16 years during which his own party has been in power.

Mr. CANNON. The manner in which these students strive to make themselves competent to be of assistance to their race should be encouraged by liberal appropriations to maintain this institution.

The Clerk read as follows:

For furniture and furnishings, including awnings and screens, and other necessary articles for the proper equipment of the nurses' home authorized by sundry civil act approved March 4, 1911, \$6,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 111, after line 15, insert the following:  
"For repairs and painting hospital buildings, \$5,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CANNON. Mr. Chairman, the hearings show the necessity for the repairs and for the amount of money indicated. I am ready for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. FITZGERALD. Mr. Chairman, I simply wish to call the attention of the gentleman from Illinois [Mr. CANNON] to the fact that this bill carries \$5,000 of an item out of which repairs can be made.

Mr. CANNON. That does not care for these special repairs.

Mr. FITZGERALD. It cares for the repairs. The reason they asked for this \$5,000 was that they had no specific appropriation, and the committee increased the item under which repairs may be made from \$21,000 to \$26,000.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:

"For furniture and furnishings, including awnings and screens, and other necessary articles for the proper equipment of the nurses' home authorized by the sundry civil act approved March 4, 1911, \$6,000."

Mr. FITZGERALD. Mr. Chairman, I call the gentleman's attention to the fact that that provision is in the bill, and that he is offering it again as an amendment to the provision.

Mr. CANNON. I compliment the gentleman on the fact that the provision is in the bill. The gentleman has my cordial approval for having inserted it in the bill. I withdraw the amendment, and offer another amendment. I am glad to have an opportunity to commend my friend from New York touching this item.

The CHAIRMAN. The amendment is withdrawn, and the Clerk will report the new amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:  
"For the purchase of an electric ambulance, \$3,500."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. Upon what ground?

Mr. FITZGERALD. It is not authorized. There is no authority to purchase it.

Mr. CANNON. The Government owns this hospital, does it not? The Government owning the hospital, does the gentleman say that this provision for an ambulance that is necessary is subject to a point of order? I ask the gentleman that question.

Mr. HAY. I submit, Mr. Chairman, that the Chair has already ruled.

The CHAIRMAN. The Chair has ruled, but we will hear the gentleman from Illinois.

Mr. CANNON. Precisely. Does not the Chair understand that this ambulance is necessary for the moving of patients and necessary to carry on this hospital? Does the Chair hold that it requires a special act of Congress providing "*Be it enacted, etc.*" That there shall be appropriated, out of any money in the Treasury not otherwise appropriated, so much for the purchase of an ambulance?"

Mr. FITZGERALD. I withdraw the point of order, Mr. Chairman, and am willing to have a vote on the item.

Mr. CANNON. The point of order is not well taken.

Mr. FITZGERALD. But the Chair held that it was. The gentleman is not the czar now that he used to be.

Mr. CANNON. No; I am not the czar, but I am a Member of the House, and I challenge the decision.

Mr. FITZGERALD. The gentleman need not criticize the decision of the Chair. The gentleman can move an appeal.

Mr. CANNON. I would move an appeal from the decision of the Chair, but I notice the gentleman withdraws the point of order.

Mr. FITZGERALD. I withdraw the point of order. We do not want to have a controversy in the matter.

Mr. CANNON. I do not think you want to establish a precedent of that kind.

Mr. FITZGERALD. We will, if it is necessary.

The CHAIRMAN. The Chair will state that the point of order has been made against automobiles and automobile ambulances, and things like that, a great many times in the House, and every time that the question has been raised the point has always been sustained. The point of order has again been sustained. By unanimous consent, and by unanimous consent only, will the status be changed.

Mr. MANN. If the Chair will permit, I wish to say a word. The Chair has made that statement. The point of purchasing an ambulance was directly ruled upon in the Army appropriation bill a few years ago, when it was held that it was in order to provide for the purchase of an ambulance or an automobile, there being authority for a conveyance.

Mr. FITZGERALD. I am not certain that there is authority for a conveyance.

The CHAIRMAN. Is objection heard to the request of the gentleman from New York that the point of order be withdrawn? No objection is heard, and the point of order is withdrawn. The question is on agreeing to the amendment.

Mr. CANNON. The necessity for this amendment, Mr. Chairman, is fully explained in the hearings. I shall not take time to read them. It is absolutely useless to do it, but I will take five minutes of time to speak of this hospital.

Patients admitted to the hospital are classed under two heads—United States and District of Columbia. Those from the District of Columbia are received under a contract with the Board of Charities at the following rates: Adults, \$1.10; children, 65 cents; and babies, 40 cents per day.

At the close of the preceding year there remained 154 patients—87 from the District of Columbia and 67 from the States. Two thousand four hundred and ninety-eight were received during the year, and 248 births occurred in the hospital, making a total of 2,900 indoor patients treated, as against 2,869 the previous year. Of those under care, 1,882 were residents of the District of Columbia and 1,018 were from the States. Two thousand seven hundred and twenty-four were discharged during the year, their conditions being as follows: Recovered, 1,416; improved, 919; unimproved, 138; not treated, 17; died, 234; leaving 176 in the hospital July 1, 1911, of which number 100 were from the District and 76 from the States.

The mortality for the year from all causes was 8+ per cent. Deducting the 13 premature births and the 57 moribund cases, the percentage of deaths is found to be 5.6+, a very low death rate for a hospital of this character.

In the surgical division 1,767 operations were performed, or 285 more than during the previous year.

#### OUTDOOR DEPARTMENT.

In this department 4,839 were treated—an increase of 292 over last year—as follows:

Medical, 1,258; surgical, 351; nervous, 192; eye, 554; ear, nose, and throat, 437; pediatrics, 344; gynecology, 482; dermatology, 314; genito-urinary, 778; tubercular, 91; orthopedic, 38. The number of visits to this department was 5,637. Twelve thousand seven hundred and twelve prescriptions were compounded and 983 emergency cases were received.

And then follows a list of the cases which have been treated.

Now, I want to say that I have some familiarity with the working of the hospitals here in the District of Columbia, and with one-third of the population, substantially, colored, and this being the only hospital that is practically open to them whereas

we have for other people the Providence Hospital, the Garfield Hospital, the Columbia Hospital, the Homeopathic Hospital, the Eye and Ear Hospital, and others not mentioned, and yet here is one-third of the population that is dependent on this one hospital, and from the very best investigation I have been able to make this is the greatest hospital of the District in the treatment of numbers and care for those perhaps who most need care. I believe that this ambulance ought to be given.

Mr. FITZGERALD. Mr. Chairman, if an ambulance was needed at the Freedmen's Hospital, I should favor an electric ambulance. The hospital has an ambulance which the Government purchased five years ago. It is in perfect condition. Dr. Warfield said that perhaps an electric ambulance could be maintained more cheaply. Every hospital in this city, so far as I am aware, has accommodations for colored people. I know that Providence Hospital, the Garfield Hospital, and the Columbia Hospital take colored people, and the Emergency Hospital also takes colored people. There is no necessity for the ambulance. It is true that Dr. Warfield says that he believes that it would be cheaper to have an electric ambulance than the one purchased five years ago; that it would cost less to maintain it. When the time comes, if there is a necessity for a new ambulance I should favor an electric ambulance. There is but one electric ambulance in the city, and that was donated by some people who were very much interested in it. All the other ambulances are drawn by horses. I see no necessity why an electric ambulance should be purchased for this hospital at this time to replace one that is perfectly satisfactory merely because it might be a little more economical to maintain at this time.

Mr. BOWMAN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BOWMAN. I see by the hearings, in part 2, page 422, that the doctor considers that it is necessary that the hospital should have an electric ambulance.

Mr. FITZGERALD. I do not read the testimony that way. The statement was made that they had calls from all parts of the District, but that is ignoring the fact that, for instance, within a short distance from the Capitol is the Providence Hospital, and there is no necessity for sending an ambulance out to the Freedmen's Hospital for somebody who needs an ambulance in the vicinity of the Providence Hospital. I know more about that institution than I do about some of the others, because I have been there more times. That is true of all the hospitals in the city. But when an ambulance is sent for, the question is not asked whether it is for white or colored; the ambulance goes and takes care of the person in need of treatment.

Mr. FOSTER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOSTER. Can the gentleman state how old the present ambulance is?

Mr. FITZGERALD. It was purchased five years ago, according to Dr. Warfield.

Mr. FOSTER. I thought possibly it might be worn out.

Mr. FITZGERALD. The only reason given is that they thought perhaps it would be more economical to maintain an electric ambulance in the District.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:  
"For the installation of an ice plant, \$4,000."

Mr. FITZGERALD. Mr. Chairman, the reason that the committee did not recommend the installation of an ice plant is that the Government has installed an ice plant for the Department of the Interior, and the Department of the Interior sells ice to this institution, and economies in that way result to the Government. There is no necessity for multiplying ice plants in every institution.

Mr. CANNON. Mr. Chairman, in my judgment the hearings show that this appropriation ought to be made.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:  
"For the installation of an ash conveyor at the Freedmen's Hospital and Howard University power, heating, and lighting plant, \$3,000."

Mr. CANNON. Mr. Chairman, the hearings show that that item ought to be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:  
"For labor and material for construction of a suitable fence inclosing hospital grounds, \$12,000."

Mr. CANNON. Mr. Chairman, the hearings show that the fence is needed and ought to be constructed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:  
"For the construction of a pathological building, \$25,000."

Mr. CANNON. Mr. Chairman, the hearings show the necessity and the propriety for this appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

In all, \$64,040.

Mr. FITZGERALD. Mr. Chairman, I ask now to return to page 103 for the purpose of offering an amendment after line 12 on that page.

The CHAIRMAN. The Clerk will report the paragraph which has not been agreed to.

The Clerk read as follows:

For the analyzing and testing of the coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, \$135,000.

Mr. FOSTER. Mr. Chairman, there is an amendment pending to that paragraph which I ask unanimous consent to withdraw.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois will be withdrawn.

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 103, in line 12, after the word "States," insert "including personal services in the Bureau of Mines, at Washington, D. C., not in excess of the number and total compensation of those so employed during the fiscal year 1912."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. MANN. Before that is done I desire to state that I would like some time on one of the amendments.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. MANN. Fifteen or 20 minutes.

Mr. FITZGERALD. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

Mr. SISSON. Mr. Speaker, I desire to demand a separate vote on one of the amendments.

The SPEAKER. The Chair will suggest that the gentleman wait until the other matter is disposed of.

Mr. MANN. Mr. Speaker, as I understand it the gentleman from New York withholds his motion for the previous question for the present.

Mr. FITZGERALD. Certainly.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Is now the proper time to demand a separate vote upon any amendment?

The SPEAKER. Any time before the vote is taken.



Mr. MANN. Let us dispose of the other amendments, then. I desire to have a separate vote on the Beall amendment and the gentleman from Mississippi desires a vote on the amendment of the gentleman from New York.

Mr. FITZGERALD. Then, Mr. Speaker, I ask unanimous consent that the vote be taken on all amendments except the amendment to appropriate for the enlargement of the Capitol Grounds, the so-called Beall amendment, which limits the expenditure of certain appropriations in the Department of Justice, and the amendment on page 122, which substituted the word "including" for the word "for," in line 2.

The SPEAKER. With the exception of the three amendments named by the gentleman from New York, unless some other gentleman demands a separate vote on some other amendment, the Chair will put the question on the other amendments in gross.

The question is on agreeing to the amendments except the three named by the gentleman from New York.

The question was taken, and the amendments were agreed to.

The SPEAKER. The gentleman from New York is recognized for one hour.

Mr. FITZGERALD. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the so-called Beall amendment provides, among other things, that no part of the appropriations carried in the bill shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States or any department thereof.

A Member of the House handed me a letter the other day relating to this amendment, written by a gentleman now connected with the Department of Justice. In it he says:

JUNE 18, 1912.

The amendment to the sundry civil bill relative to payment from antitrust appropriation to special assistants to the Attorney General who had held a Government place within two years of employment as special hits me by accident. I held a statutory place and received my present appointment by way of promotion—on the same work and of a permanent nature. I am in the middle of four cases, all of which I hoped to try this year. It would take a new man a year to know them at all, since there are some thousands (six) pages of testimony ready to present to United States district courts in four different districts.

Sincerely,

I have here a letter from the Attorney General upon the subject, which I will read:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., June 18, 1912.

Hon. JAMES R. MANN,  
House of Representatives.

DEAR MR. MANN: I have looked further into the question of the effect of the Beall amendment to the sundry civil bill (CONGRESSIONAL RECORD, p. 8782), adopted on Saturday last while the House was in Committee of the Whole. The more closely I study it the more disastrous its effect appears to be. It prohibits the expenditure of any of the appropriations described in the amendment for the payment of any salary, fee, compensation, or allowance in any form whatever, first, to any person who holds any other office, place, position, or appointment under the United States Government or any department thereof; and, second, to any person who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States Government or any department thereof.

Taking the latter prohibition first, the provision would disqualify 50 special agents, 3 special examiners, and 10 special bank accountants now employed in the Bureau of Investigation, whose compensation is paid from the appropriation for the "detection and prosecution of crimes," all of whom were transferred to their present positions from some other service in the Government. It would also oust the special commissioner in charge of, and three of his principal assistants in, the prosecutions of violations of the white-slave act, which we have been organizing to carry on more effectively during the ensuing year, and to aid in which the House has added \$50,000 to this appropriation.

The Assistant Attorney General in charge of customs cases and seven attorneys, the chief clerk and four other clerks, who are paid from the appropriation for the "conduct of customs cases," would have to be dropped.

Seventeen lawyers, five clerks, and one messenger, paid from the appropriation for the enforcement of antitrust laws would also have to go.

The attorney in charge of the prosecutions of customs frauds in the importation of sugar into Philadelphia would be ousted.

Two lawyers, employed and paid from the appropriation for "suits to set aside conveyances of allotted land, Five Civilized Tribes," would be displaced.

Thirty-two lawyers, paid from the appropriation for the payment of special assistants to the Attorney General or to the United States attorneys, to aid in special cases, would also be cut off.

Among the lawyers who would have to be summarily discharged on July 1, under the provision under discussion, would be all the attorneys in charge of the suit against the United States Steel Corporation and either all or substantially all of the attorneys in charge of the prosecutions of—

The National Cash Register Co. (civil and criminal);  
The United Shoe Machinery Co. (civil and criminal);  
The so-called Bath Tub Trust (civil and criminal);  
The American Sugar Refining Co.;

The International Harvester Co.;  
The coal-carrying roads in Ohio and West Virginia;  
The various lumber combinations (civil and criminal); and  
The various steamship pools; all under the antitrust law.  
The various land-fraud suits against the Pacific railroads, including the Oregon and California land-grant suit and the Union Pacific oil-land cases.

The Alaska coal-land-fraud cases.

The White Earth Indian frauds.

The Alaska Bank cases.

So far as it affects the payments out of the appropriation "Miscellaneous expenses, United States courts," under the language used the department would apparently be unable to employ an expert witness, an interpreter, or a stenographer in any case if he had within two years previously served the Government under any other appointment or held any office, place, or position thereunder. It would exclude the use of any bank examiner from the Treasury Department as an expert in connection with pending cases for violation of the national banking laws.

It would seem that we would be unable to obtain the services of any employees in other departments of the Government and pay them as experts, and that they could only be subpoenaed as ordinary witnesses and paid from the appropriation "Fees of witnesses, United States courts," and, of course, under those circumstances they could not be expected to prepare themselves as experts to testify on the Government's behalf.

The more carefully this amendment is studied the more deadly and far-reaching appears to be its effect in utterly destroying the efficient conduct of the Government's law business. I am quite sure that the proponent of the amendment could not have understood what he was doing when he offered it on the floor, and that certainly a majority of those who voted for it could not have had the faintest idea of the far-reaching effect which would be produced by it. I am,

Faithfully, yours,

GEO. W. WICKERSHAM,  
Attorney General.

I do not know whether it is the purpose—I apprehend it was not the purpose—of the amendment to absolutely destroy the activities of the Government in prosecutions under the antitrust law in the customs-frauds cases and all other cases being carried on by the Government, but under the provisions of the amendment no fee, compensation, or allowance whatever can be paid to anyone who has served the Government in any capacity within two years' time.

It was stated here the other day by the gentleman from Ohio [Mr. Cox] that a misstatement was made on the floor of this House at one time by the gentleman from Ohio [Mr. LONGWORTH] in reference to the employment of Wade Ellis. I have secured a statement in regard to that from the Attorney General, which I will ask the Clerk to read in my time.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., June 19, 1912.

Hon. JAMES R. MANN,  
House of Representatives.

DEAR MR. MANN: I notice in the CONGRESSIONAL RECORD of Tuesday, June 18, some statements made by Mr. COX of Ohio concerning the employment of the Hon. Wade H. Ellis as special assistant under this department and some reflections upon statements made by Mr. LONGWORTH in a discussion which took place in the House at about the time of Mr. Ellis's resignation from the position of assistant to the Attorney General in March, 1910. In the course of that discussion, which is reported in the RECORD (pp. 3205 et seq.), Mr. LONGWORTH stated that Mr. Ellis had sent in his resignation to the Department of Justice on March 1, that his successor was appointed March 14, and that Mr. Ellis had not drawn a cent of salary since the day his resignation was sent in, and he said:

"The fact is, I presume, Mr. Ellis has had experience in the trial of these beef-trust cases and he for some time will give the benefit of his information to his successor, possibly; and I say my only statement is that he is not and will not be paid out of the funds of the department or any other department."

Mr. LONGWORTH's statements were entirely accurate. Mr. Ellis handed me his resignation as assistant to the Attorney General on March 1, 1910, to be accepted at my pleasure, with the understanding that it should be accepted as soon as I could determine upon his successor. That successor, Mr. (now Senator) KENTON, was nominated by the President to the Senate on March 14, 1910, and confirmed March 23. About the middle of March Mr. Ellis advised me that in view of some criticism which had been made concerning the propriety of his acting in a political capacity in Ohio and at the same time being a salaried official of the Department of Justice, he had determined not to accept any salary after March 1, the day when he handed me his resignation. At the time of that resignation Mr. Ellis had been engaged in the preparation for argument in the Supreme Court of a very important case, known as the Missouri River rate case, and as I found it impossible to get anyone competent to prepare and argue that case within the short time then remaining before it came on for argument in the Supreme Court, at my earnest solicitation Mr. Ellis accepted a special appointment to argue that case, and appeared in the Supreme Court on April 5 and 6, 1910, and conducted the argument, having previously prepared the brief. The decision of the court was rendered in favor of the Government May 31, 1910 (218 U. S., 88, 113).

About the 1st of September, 1910, Solicitor General Bowers died very suddenly, and it became necessary to retain counsel to argue a number of cases in which the Government was interested which were on the docket of the Supreme Court at the term to begin a month later. I therefore retained Mr. Ellis as counsel to prepare and argue, and he did argue, in the Supreme Court the cases of *Muskat v. United States* (219 U. S., 346) and *Brown & Gritts v. United States* (219 U. S., 346), important cases involving the constitutionality of legislation concerning Cherokee Indian lands; the so-called Southern Pacific Terminal case (219 U. S., 498), involving the validity of important orders of the Interstate Commerce Commission regarding charges of the terminal company at Galveston, Tex.; the Southern Pacific lumber case (219 U. S., 433), involving the validity of an important order of the Interstate Commerce Commission concerning rates of transportation of lum-

ber; and the case of *Marchie Tiger v. Western Investment Co.* (221 U. S., 286), which was twice argued in the Supreme Court, and which involved difficult questions regarding the rights of Indians of the Five Civilized Tribes in the Indian Territory; in all of which cases, except the Southern Pacific lumber case, the decision of the court was in favor of the Government.

During the same period of vacancy in the Office of Solicitor General I retained Mr. Ellis as special counsel in the Commodities Clause cases (*United States v. Lehigh Valley Railroad Co.*, 220 U. S., 257), in which the original Commodities Clause decision, reported in 213 United States, 366, was very materially modified in favor of the Government. I also, during the same period, employed Mr. Ellis in one other case, namely, the prosecution particularly by the Government against the so-called Electrical Trust, which resulted in the entry of a decree of injunction with the acquiescence of the defendants in October, 1911, granting comprehensive relief against a combination which controlled the manufacture and sale of incandescent electric lamps.

Mr. Ellis has had no retainer under this department since August last, and he is not at present employed in any capacity. For his services in the cases mentioned, which resulted in very great advantage to the Government, he was paid compensation at an exceedingly moderate rate, considerably less, I think it is safe to say, than would have been charged by any counsel of equal capacity who had not been recently connected with the law department of the Government.

However, the point of this letter is simply that all of these appointments arose after Mr. LONGWORTH'S statement in the House referred to above, and that they were not in contemplation at the time Mr. Ellis resigned his position with the department.

Faithfully, yours,

GEO. W. WICKERSHAM,  
Attorney General.

Mr. MANN. Mr. Speaker, I hope that the majority side of the House, this amendment having been inserted from the floor and not having been part of the bill as reported from the committee, may see its way to reject the amendment, which certainly, in the form in which it is, should not be passed—

Mr. FITZGERALD. Mr. Speaker, there is no desire to interfere with gentlemen who are now employed on any Government case. I think everybody agrees there has been some abuse in this matter, and I suggest to the gentleman that by inserting after the word "or," in the fourth line from the bottom of the amendment—

Mr. MANN. Between what two words?

Mr. FITZGERALD. "Or any department thereof or," insert these words: "to anyone appointed, designated, or employed hereafter who shall."

Mr. MANN. So it would read—

Mr. FITZGERALD. So it would read, "or any department thereof or to anyone appointed, designated, or employed hereafter who within two years," and so forth. The first part of the amendment prohibits the payment out of different appropriations for compensation to persons now in the Government employ—that is, they can not pay some person now employed on a case some special compensation—but this provision would provide by making it hereafter.

Mr. MANN. Well, it would imply that, but it would not say that.

Mr. FITZGERALD. I think it does.

Mr. BURLESON. It can be so framed.

Mr. MANN. It seems to me a matter of this kind ought to be permanently cared for.

Mr. FITZGERALD. There has been an abuse, and I think it is indicated from the letter of the Attorney General himself, and I believe the House should take some kind of step to put a stop to it.

Mr. MANN. I do not see anything embraced in the letter of the gentleman indicating that.

Mr. FITZGERALD. I know of an instance which occurred just a few days ago. The Attorney General made two attempts to increase the compensation of a head of one of the divisions in his office. The compensation was at the rate of \$3,500 a year and Congress refused to do it. That gentleman occupying that place appeared before the Committee on Appropriations and made an appeal for an additional appropriation for the work of his division and the day after he appeared and the inquiry had been concluded the Attorney General transferred him from the statutory roll at \$3,500 a year to this lump-sum appropriation at \$6,000.

Mr. MANN. Well, perhaps the Attorney General wanted to keep him.

Mr. FITZGERALD. That is a gross abuse and should not be tolerated.

Mr. MANN. That depends.

Mr. FITZGERALD. It appears in the opinion of the Attorney General the compensation of this man should be increased, although Congress had on several occasions declined to accede to his request.

Mr. MANN. Congress declined to increase the salary of that position, but that does not necessarily affect the compensation that may be paid an individual in some other position.

Mr. FITZGERALD. But he is put in charge of the same work that he was doing at the other compensation at not only \$6,000 a year, but in addition he is granted \$6 a day when absent

either from Baltimore or Washington, and as he could not be in both places at the same time he will get \$6 a day additional for every day in the year.

Mr. MANN. They have legislative committees in this House. The committee presided over by the gentleman from Texas [Mr. BEALL], who introduced this amendment, or the committee presided over by the gentleman from Alabama [Mr. CLAYTON] would have jurisdiction of the matter.

Mr. FITZGERALD. The gentleman who offered the amendment is chairman of the Committee on Expenditures in the Department of Justice.

Mr. MANN. I say he would have jurisdiction.

Mr. FITZGERALD. It was the result of an investigation which he made.

Mr. MANN. When you transferred the Bureau of Investigation over here they took over a number of people who had been formerly employed under Wilkie in the Secret Service—a desirable and proper thing to do. It could not be done under this, and it would affect those very people.

Mr. FITZGERALD. Under this amendment it provides who shall hereafter be designated or employed. That removes the objection that is made by inserting those words.

Mr. MANN. If the gentleman's amendment does what he thinks it will do. In the way he had it it does not seem to do so.

Mr. FITZGERALD. I have changed it. I have transferred the word "hereafter." Let me read it to the gentleman:

The department thereof or to anyone hereafter appointed, designated, or employed who, in the two years next preceding.

Mr. MANN. Or to anyone hereafter. Put it down to that time, at least, to anybody already appointed.

Mr. FITZGERALD. Now, it prevents any payment being made to any person employed in the service.

Mr. MANN. Employed now. The pending amendment applies to anybody now in the service who, within two years of his appointment—

Mr. FITZGERALD. The amendment is that no part of any one or a number of appropriations shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government or any department thereof, or to anyone hereafter appointed or employed, who, within two years next preceding the date—

Mr. MANN. Of course, if the gentleman inserts the word "hereafter" there, it would not affect anyone now in the service. But on the other merits of the proposition it is perfectly patent that it is desirable to transfer people at times from other bureaus or departments of the Government to the Bureau of Investigation. It is desirable at times to take people who have been educated in that service and who go outside to get them special employment.

Mr. FITZGERALD. I do not think so. I think there are abuses. I will cite another one.

Mr. MANN. I have no doubt the gentleman can cite many cases.

Mr. FITZGERALD. The Secretary of the Treasury urged very strongly that the compensation of special agents in the Treasury Department be increased, and also wanted the special agents of the Treasury Department consolidated with the Secret Service. Congress declined to consolidate them, but did increase the compensation of the special agents; and he fixed the compensation of the chief special agent at \$4,500 a year. And the Chief of the Secret Service was immediately designated as chief special agent in the Treasury Department and designated as Acting Chief of the Secret Service, and the only thing accomplished was to give him the benefit of the increased compensation. There are many abuses that this would prevent, I am quite confident.

Mr. MANN. I will say to the gentleman that if this be an abuse, to increase the salary of an officer by paying him an extra amount out of the lump-sum appropriation to which the gentleman has referred, there is on the legislative bill an amendment, inserted by the Senate, prohibiting that, which I have no doubt will be agreed to in conference. That shows the necessity of that.

Mr. FITZGERALD. I have not seen that. This amendment applies to certain specific appropriations in the Department of Justice alone. I believe it ought to be adopted.

Mr. MANN. It will destroy the good effect of prosecuting under these laws. That is all.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman from New York [Mr. FITZGERALD] give me five minutes?

Mr. FITZGERALD. Mr. Speaker, I wish to offer an amendment to the amendment which appears on page 8249 of the CONGRESSIONAL RECORD.

The SPEAKER. That is the one the gentleman spoke of?



Mr. FITZGERALD. Yes.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD] to the amendment offered by the gentleman from Texas [Mr. BEALL].

The Clerk read as follows.

Amend by inserting, after the word "or," in line 13 of the amendment as it appears on page 8249 of the Record, the following: "To anyone hereafter appointed, designated, or employed."

Mr. FITZGERALD. Mr. Speaker, in order that there may be no misunderstanding as to where that amendment comes in, I will ask the Clerk to report that part of the amendment beginning "or any department thereof" and continuing with "or to anyone hereafter appointed, designated, and employed," the "or" being the second "or" on the fourth line from the bottom.

Mr. GREEN of Iowa. Mr. Speaker—

The SPEAKER. Does the gentleman [Mr. FITZGERALD] yield to the gentleman from Iowa?

Mr. GREEN of Iowa. Has the amendment been reported, Mr. Speaker? Will the gentleman give me some time?

Mr. FITZGERALD. There are several gentlemen who wished to participate in the debate, but we wish to get the bill finished. This is a very unusual proceeding to be discussed at this time, and I do not think more time should be asked for, in view of the liberality of treatment that has been shown.

Mr. GREEN of Iowa. I have not spoken one minute on this bill.

Mr. FITZGERALD. I regret I can not yield. I can not yield to the gentleman without also yielding to others.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] declines to yield. The Clerk will report that part of the amendment which will contain the amendment offered by the gentleman from New York, if it is agreed to, so that the House can get the sense of it.

The Clerk read as follows:

Amend by inserting, after the word "or," in line 13 of the amendment as it appears on page 8249 of the Record, the following: "To anyone hereafter appointed, designated, or employed," so that it will read, "position, or appointment under the United States Government, or any department thereof, or to anyone hereafter appointed, designated, or employed, or who within two years next preceding"

Mr. FITZGERALD. Strike out the "or" before "who." It should be "appointed, designated, or employed who," and so forth.

The SPEAKER. The Clerk will read the whole thing over, so that there will not be any mistake about it. The Clerk will read the lines that will include the words offered by the gentleman from New York [Mr. FITZGERALD], if they are ever put in, so that we can see how it reads.

The Clerk read as follows:

To any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or to anyone hereafter appointed, designated, or employed who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States Government or any department thereof.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD] to the amendment offered by the gentleman from Texas [Mr. BEALL].

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the amendment offered by the gentleman from Texas [Mr. BEALL] as amended by the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 31, noes 23.

So the amendment of Mr. BEALL of Texas as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amend, on page 122, line 2, by striking out the word "for" and inserting the word "including" in place thereof.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and the remaining amendment to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The Clerk will report the remaining amendment.

The Clerk read as follows:

Page 92, after line 20, insert:

"Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act, approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, \$500,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 43, noes 21.

Mr. SISSON. Mr. Speaker, I want a yea-and-nay vote on this proposition. I do not want to be compelled to make a point of no quorum, but I am willing that this matter shall go over until we can get a quorum without difficulty.

Mr. FITZGERALD. Mr. Speaker, it is a well-known fact that there will be no quorum in this House until after the 1st of July. It is important that the members of the committee controlling this bill at the other end of the Capitol shall get it immediately in order to get to work on it. The gentleman from Mississippi knows the situation as well as anybody.

Mr. MANN. If the gentleman will allow me the suggestion, I desired to offer a motion to recommit and have a roll call. We also desired to have a roll call on several amendments agreed to in this bill. We have not done that because of the situation in the House, and it seems to me that the gentleman from Mississippi ought not to precipitate a situation which would prevent the speedy passage of the bill.

Mr. SISSON. Mr. Speaker, I am very much opposed, as was evidenced by the fight in the Committee of the Whole—

Mr. MANN. We are quite willing to admit that the gentleman made a good fight.

Mr. SISSON. I do not think that appropriation bills ought ever to be passed without a quorum being present. But the situation is a very peculiar one, due to the fact that there are two great conventions, one now in session, and the other to be in session next week. In view of that situation I shall not ask for a roll call, although I really believe that I ought to do it.

The SPEAKER. The ayes are 43 and the noes are 21, and the amendment is agreed to. The question is on the engrossment and third reading of the amended bill.

The amended bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### LEAVE OF ABSENCE.

Mr. McMorran, by unanimous consent, was given leave of absence for two weeks on account of illness in his family.

#### BILLS ON THE PRIVATE CALENDAR.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House.

Mr. HAY. Mr. Speaker, I call for the regular order, which is the call of bills on the Private Calendar in their order.

Mr. GARNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARNER. When these bills are called will any objection under the request for unanimous consent carry the bill over; that is, it will not be considered?

The SPEAKER. That is as the Chair understands it.

Mr. GARNER. Now, as these bills are called on the regular calendar it would facilitate matters if those in charge of the bills would ask unanimous consent to consider them in the House as in Committee of the Whole.

Mr. MANN. I will ask unanimous consent that in the call of the Private Calendar bills not objected to shall be considered in the House as in Committee of the Whole House.

Mr. SIMS. Before that is put, Mr. Speaker, I am not asking for consideration under the special order.

The SPEAKER. But there was an agreement on June 14 which the Chair will state. The Record says:

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Now, the Chair will state it so there can not be any mistake on the part of Members. The request is, next week after this sundry civil bill gets through the House, except Monday and Wednesday, and allowing the gentleman from Missouri [Mr. RUSSELL] a day for pensions, then any bill on the Private Calendar not objected to shall be considered.

Mr. SIMS. I misunderstood the order, if it was intended to deprive committees of their regular days. I thought it was to make private claims in order on days upon which they would otherwise not be in order.

The SPEAKER. That is what it does.

Mr. SIMS. Then to-day war claims are in order.

The SPEAKER. That is true; but it seems to the Chair this order agreed to by the House supersedes and takes precedence over that. It swept everything out, except Mondays

and Wednesdays, and the gentleman from Missouri [Mr. RUSSELL] for the consideration of pensions.

Mr. SIMS. I certainly never would have agreed to it if I knew that.

The SPEAKER. Of course, that is neither here nor there.

Mr. MANN. Mr. Speaker, the gentleman from Tennessee was here when the request was agreed to. The request made by the gentleman from Missouri [Mr. RUSSELL] would have struck Friday out if I had not asked that an exception of Friday be made.

The SPEAKER. The gentleman from Tennessee will gain by this order. He may lose this piece of the evening which is before us, but private bills are in order now every day except Monday and Wednesday and the day that the gentleman from Missouri will have.

Mr. SIMS. I know, but they will only be taken up in their order, and it will be impossible to reach bills from the War Claims Committee.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that when bills are called upon the Private Calendar in their regular order, those to which no objection is made shall be considered in the House as in Committee of the Whole House.

The SPEAKER. The gentleman from Texas asks unanimous consent that when bills on the Private Calendar are called in their order those to which no objection is made shall be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

#### EXTENSION OF REMARKS.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the sundry civil appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

#### WAR CLAIMS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that some other Friday be given to the consideration of war claims. I am quite serious in my statement that I did not know that this order was to displace the preference that we would have on this day.

The SPEAKER. What is the request of the gentleman?

Mr. SIMS. That a day be set aside for the consideration of private bills coming from the Committee on War Claims.

The SPEAKER. Does the gentleman designate any day?

Mr. MANN. Mr. Speaker, so that we may progress with the matter before the House, I shall object.

Mr. SIMS. I shall ask that to-morrow, Saturday, be set aside for that purpose.

Mr. MANN. That is already set aside for the consideration of pensions.

#### BILLS ON THE PRIVATE CALENDAR.

The SPEAKER. The Clerk will proceed with the call of bills on the Private Calendar.

#### SHEPLER W. FITZGERALD AND ALDEN G. STRONG.

The first business on the Private Calendar was the bill (S. 5046) to authorize the appointment of Shepler Ward Fitzgerald and Alden George Strong to the grade of second lieutenant in the Army.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Shepler Ward Fitzgerald and Alden George Strong to the grade of second lieutenant in the Coast Artillery Corps, United States Army, with lineal rank in accordance with their respective ratings at the competitive examination held under the law by the War Department in September, 1911.

The SPEAKER pro tempore (Mr. JAMES). Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, this is a bill reported for the relief of these two young men, who received appointments as second lieutenants in the Army, stood the examination, but before they could be confirmed by the Senate they had reached the age beyond which second lieutenants of the Army can not be given their appointments. This bill simply permits the President to again send their names to the Senate to be confirmed. I do not think there can be any objection to the bill.

Mr. BARTLETT. This simply authorizes him to do that. It does not require him to do it?

Mr. HAY. The bill authorizes him to do it.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### HENRY HARRISON HALL.

The next business on the Private Calendar was the bill (H. R. 20721) to authorize the President to reappoint Henry Harrison Hall as second lieutenant in the Army.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

#### HEIRS OF MYRA CLARK GAINES.

The next business on the Private Calendar was the bill (H. R. 17501) for the relief of the heirs of Myra Clark Gaines, deceased.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### DANIEL W. ABBOTT.

The next business on the Private Calendar was the bill (H. R. 12375) authorizing Daniel W. Abbott to make homestead entry. The Clerk read the bill, as follows:

*Be it enacted, etc.,* That Daniel W. Abbott be, and he is hereby, empowered to make entry of and acquire title to the south half of the southeast quarter and the south half of the southwest quarter of section 6 in township 10 south, range 28 east, Boise meridian, under the general provisions of the homestead laws of the United States, notwithstanding he may have heretofore exhausted his right to make entry under said laws, and he shall be given credit, under any entry made by him under this act, for the full period of such actual residence as he may have maintained on said land or on land embraced in the legal subdivision of land adjoining said land prior to the time he makes entry under this act.

The SPEAKER pro tempore. Is there objection?

Mr. SIMS. Mr. Speaker, reserving the right to object, I desire to ask if this is a Senate bill?

The SPEAKER pro tempore. This is a House bill.

Mr. SIMS. I see that the gentleman from Idaho [Mr. FRENCH] reported the bill. Is the gentleman present?

Mr. MANN. The gentleman from Idaho is not present. This bill validates a homestead entry which a man would have in any event, except that he located his house a few rods over onto land that he did not take up.

Mr. SIMS. Will there be any contest upon the matter?

Mr. MANN. No; I think not. I think the bill would have been passed before this time if the gentleman had not reserved the right to object.

Mr. SIMS. I wanted to find out whether there was to be any controversy.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. SIMS. Is the gentleman from North Carolina [Mr. POU] present?

The SPEAKER pro tempore. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. Mr. Speaker, the next bill is from the Committee on Claims, and by an agreement heretofore made with the chairman of the Committee on Claims, the war claims bills have had two days and he has had two for bills from his committee, and by agreement the Committee on War Claims was to have the next day, and I want to ask if he will not agree that the bills reported here from the Committee on Claims may be passed over until after the bills reported from the Committee on War Claims are first considered?

Mr. MANN. The gentleman would not have any jurisdiction to consent to that.

Mr. HAY. These are individual bills.

Mr. SIMS. I did not want to object, but it will take a lot of time, and they will have had three days to our one.

Mr. POU. I will be very glad to make any arrangement to suit my friend from Tennessee; but under this order everything has been swept aside and I do not believe I would have any right to make any such agreement.

Mr. SIMS. The House, by unanimous consent, can, but I will not submit the request unless the gentleman is ready to yield.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. MANN. What is the request?

Mr. SIMS. My request is that on the call of this calendar that bills reported from the Committee on Claims be not called until bills reported from the Committee on War Claims are called.

Mr. MANN. Well, we will never get to the Committee on War Claims that way. They will have to wait the call of all



bills reported from other committees first, and therefore I object.

The SPEAKER pro tempore. The Clerk will report the next bill on the Private Calendar.

SNARE & TRIEST CO.

The next business on the Private Calendar was the bill S. 2512, an act for the relief of the Snare & Triest Co.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

CHARLEY CLARK.

The next business on the Private Calendar was the bill (H. R. 10784) for the relief of Charley Clark, a homestead settler on certain lands therein described.

The bill was read.

Mr. MANN. Mr. Speaker, I do not know who has charge of this.

Mr. MILLER. Mr. STEENSON asked me to look after it.

Mr. MANN. There is a Senate bill (No. 6153), and I understand the gentleman desires to have the Senate bill substituted for the House bill. I do not know whether the Senate engrossed bill is over here or not.

Mr. MILLER. I presume it is in the hands of the committee.

Mr. MANN. The House could not do that unless it had the engrossed copy here, and there is no use in passing this bill. I ask to pass it over temporarily without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to pass the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

CAPT. HAROLD L. JACKSON.

The next business on the Private Calendar was the bill (H. R. 19788) to restore Capt. Harold L. Jackson, retired, to the active list of the Army.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

LOYD L. R. KREBS.

The next business on the Private Calendar was the bill (H. R. 7142) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

The Clerk read as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, to be a major of the Medical Corps on the retired list of the Army. And the retired list is hereby increased by one for the purposes of this act.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. HAY. Will the gentleman reserve his objection?

Mr. MANN. I will reserve the right to object.

Mr. HAY. Mr. Speaker, I hope the gentleman from Illinois will not object to this bill. It is one of the most pitiful cases that I have ever known. This is a case of a surgeon in the Army who was ordered here under the rules and regulations for an examination for his promotion. When he went before this examining board he was suffering with tuberculosis, and the board recommended him to be retired from the Army. The recommendation was overruled by the War Department and he was ordered again before the board for examination, notwithstanding the fact that he was suffering with tuberculosis. As a consequence of his physical condition he failed on examination and, under the law, was put out of the Army and was refused the privilege of being put on the retired list. This man is in a dying condition from tuberculosis. Personally, I have no interest whatever in the case; these people live in California. But I happen to be familiar with all the facts in the case and I believe that a gross injustice was done this man. This bill is recommended by the War Department and is particularly recommended by the Surgeon General, and I hope the gentleman from Illinois will not interpose an objection to the bill.

Mr. MANN. Mr. Speaker, it is a tribute to the large heart of the gentleman. I have examined the papers in this case very carefully and am liable to make an error of judgment. I do not believe the bill ought to pass, but I would like to discuss it some time when it comes up. It is not practicable to do that to-day. This bill is early on the calendar and will undoubtedly

be on the calendar on a Friday before long. Therefore I feel compelled to object now.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the Committee on Military Affairs be discharged from further consideration of the Senate bill (No. 1337) to the same purpose, and that it be placed upon the House Calendar in lieu of the House bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. It can not be done in that way.

Mr. HAY. Why not?

Mr. MANN. The bill is not up for consideration. The committee can report—

The SPEAKER pro tempore. Does the gentleman object to the consideration of the bill?

Mr. MANN. I would not have objected if they were going to consider it and substitute the Senate bill.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES S. BAER.

The next business on the Private Calendar was the bill (H. R. 21952) for the relief of James S. Baer.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws James S. Baer, late captain Company G, First Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 28th day of September, 1864: *Provided,* That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill just read?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLEY CLARK.

Mr. MANN. A moment ago there was passed temporarily, without prejudice, the bill H. R. 10784.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read the title, as follows:

An act (H. R. 10784) for the relief of Charley Clark, a homestead settler on certain lands therein described.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk may read a similar Senate bill, in order to see whether objection shall be made to substituting that for the House bill.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 6153) for the relief of Charley Clark, a homestead settler on certain lands therein described.

*Be it enacted, etc.,* That the homestead entry of Charley Clark for the west half of the northeast quarter of section 31, in township 153 north, range 40, in the Crookston land district, Minnesota, under the act approved February 20, 1904, entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota," upon which final proof and payment was made, but which was held for cancellation by the Secretary of the Interior for want of qualification to make the same, be, and the same is hereby, allowed and permitted to remain of record as of the date of said entry, and that patent shall issue in the name of said Charley Clark for said land.

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill as a substitute for the House bill? [After a pause.] The Chair hears none.

The bill was read a third time and passed.

HEIRS OF JAMES S. ROLLINS.

The next bill on the Private Calendar was the bill (H. R. 18904) to perfect the title of the heirs of James S. Rollins, deceased, to bounty-land warrant No. 58479, issued to George Hickum, teamster, United States Quartermaster's Department, War with Mexico.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be authorized and directed to recognize the heirs of James S. Rollins, deceased, of Columbia, Mo., as the lawful owners of land warrant No. 58479, issued on March 11, 1857, to George Hickum, teamster, United States Quartermaster Department, War with Mexico; and that he instruct the Commissioner of the General Land Office to permit said heirs to use said land warrant in such manner as they see fit, in accordance with law and the rules and regulations of the General Land Office.

Also the following House amendments were read:

Page 1, lines 3 and 4, insert after the word "Interior" the following: "and the Commissioner of the General Land Office."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Amend, page 2, by striking out lines 2, 3, 4, 5, and 6, after the word "Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

## OTTO NEUMANN SVERDRUP.

The next business on the Private Calendar was the Senate joint resolution 69, authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States.

The Clerk read the joint resolution, as follows:

Whereas Otto Neumann Sverdrup, a subject of the King of Norway, who has rendered great service to science as a navigator and explorer, has lately become a resident and declared his intention to become a citizen of the United States, and desires to obtain the privilege of serving as master of vessels of the United States before his naturalization as a citizen can be procured under existing law: Now therefore be it

*Resolved, etc.,* That the right and privilege to be licensed and to serve as master of vessels of the United States, conferred by law upon citizens of the United States, be, and the same are hereby, given and granted to said Otto Neumann Sverdrup.

The SPEAKER pro tempore. Is there objection to the consideration of the joint resolution?

There was no objection.

The joint resolution was passed.

## BARKLEY S. DENISON.

The next business on the Private Calendar was the bill (H. R. 11627) to correct the military record of Barkley S. Denison.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

## MATHEW T. FULLER.

The next business on the Private Calendar was the bill (H. R. 16993) for the relief of Matthew T. Fuller.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of pension laws, Matthew T. Fuller shall hereafter be held and considered to have been absent with proper authority and in the line of duty as a soldier at the time of his capture by the enemy while serving as a member of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

## HEIRS OF BENJAMIN S. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 4125) for the relief of the heirs of Benjamin S. Roberts.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

## HEIRS OF ROBERT S. GILL.

The next business on the Private Calendar was the bill (S. 2127) for the relief of the heirs of Robert S. Gill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Robert S. Gill, of Memphis, Tenn., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of \$2,520, to compensate them for injuries received by Robert S. Gill while in the employ of the Government on the Panama Canal.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

## AMERICAN SURETY CO. OF NEW YORK.

The next business on the Private Calendar was the bill (S. 3469) for the relief of the American Surety Co. of New York.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the American Surety Co. of New York the sum of \$115.51, as reimbursement in full of a payment made by the American Surety Co. of New York, as surety on the bond of John W. Coltrane, a railway postal clerk, to cover the sum embezzled by him, said payment having been made to the Postmaster General and covered into the Treasury of the United States without knowledge of the fact that a like sum to cover the same embezzlement had already been paid by said John W. Coltrane to the clerk of the United States District Court for the Eastern Division of North Carolina and turned into the Treasury of the United States.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

## DOUGLAS B. THOMPSON.

The next business on the Private Calendar was the bill (S. 2601) for the relief of Douglas B. Thompson.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 to Douglas B. Thompson, late an employee in the service of the Isthmian Canal Commission, for the loss of a leg and consequent physical disability incident to said service.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

## REIMBURSEMENT TO CERTAIN FIRE INSURANCE COMPANIES.

The next business on the Private Calendar was the bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

## CONVEYANCE OF REAL ESTATE IN JONESVILLE, MICH.

The next business on the Private Calendar was the bill (H. R. 16191) to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Solicitor of the Treasury is authorized and empowered, upon the payment of the sum of \$10, to convey the apparent interest of the United States in lot 21 of Olds plat of the village of Jonesville, in township 6 south, range 3 west, in Hillsdale County, Mich., to Milo D. Bacon for the purpose of completing the title of said Bacon to said property, and that the United States incur no expense or liability whatever in consequence of such conveyance, it being understood that the solicitor is to convey said land in the nature of a quitclaim deed to said Milo D. Bacon, without guaranty or warranty of any nature or kind whatsoever.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

Amend, page 1, line 4, by inserting after the word "empowered" the words "upon the payment of the sum of \$10."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

## JAMES W. CHRISMAN.

The next business on the Private Calendar was the bill (S. 5198) to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to cause to be issued to James W. Chrisman a patent for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, all in township 29 north, range 113 west of the sixth principal meridian.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

## GEORGE A. ARMES.

The next bill on the Private Calendar was the bill (H. R. 11397) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major general on the retired list of the Army.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

## FIFTH-THIRD NATIONAL BANK OF CINCINNATI, OHIO.

The next business on the Private Calendar was the bill (H. R. 16518) for the relief of the Fifth-Third National Bank of Cincinnati, Ohio.



The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue a duplicate registered bond of the 3 per cent loan of 1908 to 1918, in favor of the Fifth-Third National Bank of Cincinnati, Ohio, in lieu of United States 3 per cent registered bond, loan of 1908 to 1918, No. 37195, for \$1,000 inscribed in the name of Jacob B. Elberfeld, alleged to have been lost or mislaid after having been assigned in blank, sold, and delivered to the Fifth-Third National Bank of Cincinnati: *Provided*, That the said bank shall first file in the Treasury Department a bond in the penal sum of double the amount of the missing bond, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify the United States against loss on account of said original bond.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GUSTAV A. HESSELBERGER.

The next business on the Private Calendar was the bill (H. R. 15286) for the relief of Gustav A. Hesselberger.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOHN TREFFEISEN.

The next business on the Private Calendar was the bill (H. R. 606) for the relief of John Treffeisen.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I think we ought to have some information about this bill; there is nothing in the report.

Mr. MANN. There is not a word of information in the report.

Mr. FOSTER. I do not think we ought to pass the bill without some information. If there is no one here to explain it, I shall object. Mr. Speaker, I do object.

JOHN K. WREN.

The next business on the Private Calendar was the bill (H. R. 22939) for the relief of John K. Wren.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws John K. Wren, who served in Company D, Sixty-sixth Regiment Ohio Volunteer Infantry, shall be held and considered to have been honorably discharged from said company and regiment on the 16th day of December, 1863.

With the following committee amendment:

Page 1, line 8, amend by inserting after the word "sixty-three" the following proviso:

"*Provided*, That no rights or benefits under any law shall accrue to the said John K. Wren prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

G. A. EMBRY.

The next business on the Private Calendar was the bill (S. 183) for the relief of G. A. Embry.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CATHERINE RATCHFORD.

The next business on the Private Calendar was the bill (S. 4050) for the relief of Catherine Ratchford.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask whether this bill was referred to the War Department or any report received from the department in relation to this injury.

Mr. JACKSON. I had the report this morning, but I do not remember. It is the bill of the gentleman from Kansas [Mr. ANTHONY].

Mr. MANN. There is nothing in the report of the committee and nothing in the Senate report further than is disclosed in the bill. It seems to me that where we are paying for personal injuries caused by some one in the Government service, it is only fair that we should have a statement from them as to their side of the case and as to the extent of the injuries.

Mr. JACKSON. This is a bill of the gentleman from Kansas [Mr. ANTHONY], and he is absent just at this minute. I ask to have it passed over without prejudice.

Mr. MANN. I will object, Mr. Speaker. That does not affect the status of the bill any.

LIGHTHOUSE TENDER "MANZANITA."

The next business on the Private Calendar was the bill (S. 837) to reimburse the officers and crew of the lighthouse tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender October 6, 1905.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,642.55 to the officers and crew of the lighthouse tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender on October 6, 1905, as set forth in the letter of April 25, 1906, from the Department of Commerce and Labor to the Treasury Department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

J. H. SCHMIDT.

The next business on the Private Calendar was the bill (H. R. 16720) authorizing the Secretary of the Interior to pay J. H. Schmidt \$75 damages for trespass of certain Indian school cattle at Rainey Mountain Indian School in Oklahoma.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to pay to J. H. Schmidt, out of any balances of appropriations for the support and civilization of the Apache, Kiowa, and Comanche Indians, for the fiscal year 1911 or 1912, the sum of \$75 in full compensation for damage sustained by him through trespass of cattle belonging to the Rainey Mountain Indian School.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HARNEY NATIONAL FOREST.

The next business on the Private Calendar was the bill (H. R. 21259) to allow an exchange of certain lands in the Harney National Forest.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That upon the transfer by John L. Baird to the United States of title to the east half of the southeast quarter, and lot No. 1 in section 4, and lot No. 4 in section 3, all in township 1 south, range 1 east, of Black Hills meridian, containing 155.96 acres, situated in the Black Hills National Forest, the Secretary of the Interior is authorized, upon the approval of the Secretary of Agriculture, to issue a patent to said John L. Baird for the lands covered by the Keen Stone Placer mineral survey No. 1947, in Lawrence County, S. Dak., containing 90.978 acres; and the lands thus transferred to the United States shall thereupon become a part of the Harney National Forest.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Chair is informed that the next bill on the Private Calendar is a pension bill, which under the order of to-day will be laid aside, as will other pension bills that are upon this calendar.

DELAWARE TRANSPORTATION CO.

The next business on the Private Calendar was the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the claim of the Delaware Transportation Co., owner of the American steamer *Dorothy*, injured in collision with the U. S. steam collier *Sterling* in Chesapeake Bay on December 3, 1911, for and on account of the damage to said steamship *Dorothy* by reason of said collision, may be submitted to the United States Court for the Eastern District of Virginia, the district in which said collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine any suits brought and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any shall be found to be due, against the United States, upon the same principles and measure of liability, with costs as in like cases in admiralty between private parties, and with the same rights of appeal.

Sec. 2. That notice of the suits shall be given to the Attorney General of the United States and to the Secretary of the Navy, as may be provided by the order of said court, and it shall be the duty of the Attorney General to cause the United States attorney to appear for and defend the United States.

Sec. 3. That should damages be found to be due the said Delaware Transportation Co., as owner of said steamship *Dorothy*, the amount of the final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SARAH A. WAITE.

The next business on the Private Calendar was the bill (S. 547) for the relief of Sarah A. Waite.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sarah A. Waite, widow of George B. Waite, who at the time of his death was a first sergeant on the retired list of the United States Army and a civilian employee in the Quartermaster's Department of the United States Army, the sum of \$1,050, as full compensation for the death of said George B. Waite, resulting from injuries received while in the discharge of his duty as a teamster in the employ of the post quartermaster at Vancouver Barracks, State of Washington, on the 3d day of December, 1907.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHANNA S. STOECKLE.

The next business on the Private Calendar was the bill (S. 4189) for the relief of Johanna S. Stoeckle.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. POUL. Mr. Speaker, I ask unanimous consent that the consideration of this bill be passed without prejudice. The reason is that a bill has passed this House which covers that and all similar cases, and there will probably be no necessity for passing this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

ALBERT S. HENDERER.

The next business on the Private Calendar was the bill (S. 4751) for the relief of Albert S. Henderer.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert S. Henderer, out of any money in the Treasury not otherwise appropriated, the sum of \$1,572.04 for damages arising out of an injury sustained by him while employed in the east gun shop, United States navy yard, Washington, D. C., on the 11th day of August, 1903.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

ROBERT H. PECK.

The next business on the Private Calendar was the bill (H. R. 4509) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. KAHN. Mr. Speaker, the Senate passed a similar bill (S. 6636), which was referred to the Committee on Military Affairs, and I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the bill and that the Senate bill be considered.

Mr. MANN. Is the Senate bill here?

Mr. KAHN. There is a Senate bill exactly like it.

Mr. SULZER. As I understand it the bills are identical.

Mr. KAHN. Yes; they are identical.

Mr. MANN. You can not pass the Senate bill unless you have the engrossed copy of the bill here. Is the engrossed copy of the Senate bill on the Speaker's table?

The SPEAKER pro tempore. It is not here.

Mr. HAY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ELIZA B. HAUSE.

The next business on the Private Calendar was the bill (S. 1508) for the relief of the estate of Eliza B. Hause.

The Clerk read the bill.

Mr. MANN. Mr. Speaker, this is one of the same class of bills that we have just passed over.

Mr. AINEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. MANN. Oh, I think we better object to it.

Mr. AINEY. It is included in the omnibus bill which has passed the House.

Mr. MANN. I object.

PATRICK HOWE.

The next business on the Private Calendar was the bill (H. R. 7434) for the relief of Patrick Howe.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Patrick Howe shall hereafter be held and considered to have been honorably discharged from the military service

of the United States as a private in Company B, Fifty-ninth Regiment New York Volunteer Infantry, on the 1st day of February, 1865: *Provided,* That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HERMAN HAUPT.

The next business on the Private Calendar was the bill (H. R. 20613) for the proper recognition of services rendered by Herman Haupt during the Civil War.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

SETTLEMENT OF CLAIMS OF THE ATTORNEY OF RECORD INVOLVING CERTAIN INDIAN ALLOTMENTS.

The next business on the Private Calendar was the bill (S. 5776) authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to consider the claim of the attorney of record in the matter of the enrollment and allotment of lands to Virgil H., Willie A., and Oscar B. Esterbrook, minor children of Frank Esterbrook, and Pearl May, A. Ray, J. Otis, and Dora Edith Williams, minor children of C. O. Williams, enrolled members of the Cascade Band of Indians and allotted on the Yakima Reservation in the State of Washington, and to allow said attorney such fee as he may consider reasonable and just, and to pay the same out of any money standing to the credit of said minor children or which may hereafter become due them.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

HAROLD HANCOCK TAINTOR.

The next business on the Private Calendar was the bill (H. R. 23934) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army.

The Clerk read as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Harold Hancock Taintor to the grade of second lieutenant in the United States Army, with lineal rank in accordance with his rating at the competitive examination held under the law by the War Department in January, 1912.

The SPEAKER pro tempore. Is there objection?

Mr. HAY. Mr. Speaker—

Mr. PEPPER. Mr. Speaker, I ask unanimous consent, in view of the fact that the Senate has passed a similar bill (S. 7018), which has been referred to the Committee on Military Affairs, that that committee be discharged from the further consideration of the bill and that the Senate bill be substituted for the House bill. I have an engrossed copy of the Senate bill in my hand.

The SPEAKER pro tempore. The gentleman from Iowa requests that an engrossed copy of the Senate bill be substituted for a similar House bill. Is there objection?

Mr. FOSTER. Let us have the bill read.

The Senate bill was read.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a similar House bill was laid on the table.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. COL. CONSTANTINE MARRAST PERKINS.

The next business on the Private Calendar was the bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

REFUNDING CERTAIN TONNAGE TAXES AND LIGHT DUES.

The next business on the Private Calendar was the bill (H. R. 2359) to refund certain tonnage taxes and light dues.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, the following amounts to the respective named companies, assessed and collected under section 4225, Revised Statutes, which amounts are hereby appropriated: Ninety-three dollars in the case of the American dredge Erie, without enrollment, upon the application of the Duluth-Superior Dredging Co.; and \$270 in the case of American scows Nos. 1 and 2, American dredge Lincoln, and American derrick scow No. 1, without enrollment, upon the application of the Duluth Marine Contracting Co.



The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### ERROR IN TREATY, CHOCTAW INDIANS.

The next business on the Private Calendar was the bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.,* That the reservation of section 8 and the west half of section 9, in township 19 north, range 16 east, Choctaw meridian, Mississippi, to Thomas Wall, and the sale thereof by him to Anthony Winston, made on December 11, 1833, be, and the same are hereby, approved, and the title thereto confirmed in the said Thomas Wall and his vendee, the said Anthony Winston; and the Commissioner of the General Land Office is hereby authorized and directed to cause the proper entries to be made upon the land records of the land office at Jackson, Miss., and of the General Land Office, showing that said land was reserved to the said Thomas Wall.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

#### A. W. TORESON.

The next business on the Private Calendar was the bill (H. R. 22437) for the relief of A. W. Toreson, son and heir of Anna M. Toreson, deceased.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to public entry the following parcel of land situate in Modoc County, Susanville land district, in the State of California, to wit:

The south half of the southwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 9, township 41 north, range 10 east, Mount Diablo base and meridian, in California, containing 160 acres.

Sec. 2. That the Secretary of the Interior be, and he is hereby, authorized, upon compliance with the foregoing section and proof of said compliance by the entryman under the timber-and-stone act of June 3, 1878, and acts amendatory thereof, to issue to A. W. Toreson, son and heir of Anna M. Toreson, deceased, a patent for the south half of the southwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 9, township 41 north, range 10 east, Mount Diablo base and meridian, being the same land described in section 1 of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, if anybody can give me any information about this bill I wish they would. Anna M. Toreson took up a homestead claim, I believe, she being a very old lady, and died, leaving several children. This bill proposes to turn that right over to A. W. Toreson as the son and heir of Anna M. Toreson. What becomes of the other heirs? How do they eliminate the claim of the other heirs?

Mr. KAHN. Mr. Speaker, this is a bill introduced by my colleague Mr. RAKER, who is away. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from California [Mr. KAHN] requests that the consideration of this bill be passed without prejudice. Without objection, it will be so ordered.

There was no objection.

#### JOHN M. OAK.

The next business on the Private Calendar was the bill (H. R. 17709) for the relief of John M. Oak.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Oak, postmaster at Bangor, Me., out of any money in the Treasury not otherwise appropriated, the sum of \$110,184.85, for postal funds, key-deposit funds, postage stamps and other stamped paper, and such further sum as shall be ascertained to have been lost from money-order funds, on account of losses resulting from fire April 30, 1911.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of John M. Oak, postmaster at Bangor, Me., in the sum of \$132,311.12, due to the United States on account of postal funds, key-deposit funds, money-order funds, postage stamps, and other stamped paper on account of losses resulting from fire April 30, 1911."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### ANTONIA SOUSA, DECEASED.

The next business on the Private Calendar was the bill (H. R. 2070) for the relief of the estate of Antonia Sousa, deceased.

The bill was read, with a committee amendment.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill go over, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

#### REFUND TO THE SPARROW GRAVELY TOBACCO CO.

The next business on the Private Calendar was the bill (H. R. 18213) to refund to the Sparrow Gravelly Tobacco Co. the sum of \$173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States.

The Clerk read the bill, as follows:

Whereas heretofore, to wit, in the month of June, 1908, a tax of \$173.52 was assessed against the Sparrow Gravelly Tobacco Co. by the Commissioner of Internal Revenue in the western district of Virginia, the same being for a deficiency in the account of the said company for the year 1907; and

Whereas this assessment was by reason of the fact that the said company had erroneously omitted to include in their inventory for January 1, 1908, 1 hoghead of scrap tobacco; and

Whereas this omission was an honest error on the part of the said company, which the Internal Revenue Department did not allow them to correct by means of an amended inventory; and

Whereas as the result of this error on the part of the said company, and the refusal of the department to allow the same to be corrected, the said company has been compelled to pay to the Government the above assessment, with penalty and interest, which said amount was in excess of what was actually due from the said company to the Government: Now therefore,

*Be it enacted, etc.,* That the said sum of \$173.52, with interest and penalty, is hereby directed to be refunded to the said Sparrow Gravelly Tobacco Co. from the Treasury of the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object—I shall not object, for I think it is a very meritorious proposition—it will not do any particular good to pass the bill. It does not purport to appropriate any money for the payment of the claim.

Mr. BARTLETT. Mr. Speaker, I know nothing about this bill; but I want to call attention to a state of facts with reference to men and small corporations that are not subject to the corporation tax that have failed by a day or two, and sometimes by a week, to make a return, and have been assessed under a penalty ranging from \$25 up. There is no means by which those people have been able to secure relief from that penalty. This appears to have been a fault or mistake by the owners of this tobacco, or whatever it was, in making the returns.

A bill has been pending before the Committee on Ways and Means for a year, in which an effort has been made to authorize the Secretary of the Treasury to settle or compromise these penalties against these corporations all over the country which are not subject to the corporation tax and who have failed to make the returns in time showing that they are not subject. There are now 30,000 cases of this kind in the office of the Commissioner of Internal Revenue awaiting treatment.

Mr. MANN. I will say to the gentleman that, of course, irrespective of that, in this particular case there was a mere error of a clerk in adding up the figures on the inventory. There was no negligence on the part of anybody whatever.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, in lines 14 and 15, strike out the words "one hoghead of scrap tobacco," and insert in lieu thereof the words "one bin of plug tobacco in process."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 3 and 4, strike out the words "\$173.52, with interest and penalty," and insert in lieu thereof "\$76.90."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. HAY, Mr. POU, and Mr. STEPHENS of Mississippi rose. Mr. POU. Mr. Speaker, I want to offer an amendment to this bill before it is finally disposed of.

The SPEAKER pro tempore. The gentleman will send the amendment to the Clerk's desk.

Mr. POU. If the gentleman from Virginia [Mr. HAY] will by unanimous consent go ahead, I will ask unanimous consent to recur to this bill after the gentleman from Virginia finishes.

ROBERT H. PECK.

Mr. HAY. Mr. Speaker, a moment ago a bill for the relief of Capt. Robert H. Peck was laid aside until I could secure the bill which has passed the Senate. I have the bill now, and I ask that it be considered.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

An act (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

*Be it enacted, etc.,* That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Robert H. Peck to the grade of captain of Infantry, United States Army, to take rank at the foot of the list of captains of Infantry; and that no back pay or allowances shall accrue as a result of the passage of this act; and that there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

Mr. HAY. Mr. Speaker, I ask that the House bill (No. 4509) of similar character be laid on the table.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. Is there objection to the consideration of the bill.

There was no objection.

The bill was ordered to a third reading, was read the third time, and passed.

LLOYD L. R. KREBS.

Mr. HAY. Mr. Speaker, while the gentleman from North Carolina is arranging his amendment—

Mr. POU. I will say to the gentleman from Virginia [Mr. HAY] it was a little difficult to get this amendment in proper shape, and I will ask that the call of the calendar proceed until I have it completed.

The SPEAKER pro tempore. Without objection, the bill under consideration will be temporarily laid aside.

Mr. MANN. What bill is it?

Mr. BARTLETT. A tobacco bill.

Mr. HAY. It is a bill which was just passed over.

Mr. Speaker, the gentleman from Illinois [Mr. MANN] a moment ago objected to the House bill 7142, for the relief of Lloyd L. R. Krebs. The gentleman now states that he will withdraw his objection if I will state that, in my judgment, this is a bill that ought to be passed and is of very great merit. I want to say that I so regard it, and I have no personal interest in it or connection whatever with the parties interested. And, as the gentleman does not object, I hope the bill will be passed. It has already been read.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 7142) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

I. S. ROGERS AND J. L. WORTHLEY.

The next business on the Private Calendar was the bill (H. R. 7050) for the relief of I. S. Rogers and J. L. Worthley.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the sum of \$1,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse I. S. Rogers and J. L. Worthley for money paid to the proper officers of the court as bondsmen for U. G. Copeland, indicted for violating section 5438 of the Revised Statutes, who was afterwards, to wit, on the 16th day of April, 1910, duly tried and convicted in the District Court of the United States for the Western Division of the Eastern District of Arkansas for his offense and sentenced to imprisonment at hard labor in the United States penitentiary at Atlanta, Ga., for a period of five years, the said I. S. Rogers and J. L. Worthley rendering material aid to the Government in the apprehension and prosecution of the said U. G. Copeland.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Arkansas [Mr. MACON], who introduced the bill, for a short statement in reference to it.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. MACON] is not present.

Mr. CANDLER. The gentleman is temporarily absent from the city; otherwise, I think he would be here.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, strike out the words "one thousand" and insert in lieu thereof "seven hundred and fifty."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

COWDEN & COWDEN.

The next business on the Private Calendar was the bill (H. R. 17850) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture.

The Clerk read the bill, as follows:

A bill (H. R. 17850) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture.

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cowden & Cowden, of Amory, Monroe County, Miss., the sum of \$200 for a horse that died while in use by employees of the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what good it would do to pass the bill, there being no appropriation in it? Second, why the Government should have to pay for the loss of a horse. It says that it was the result of the improper use and the neglect of one of the employees of the Agricultural Department. Why do you not require the employee to pay for the horse he killed through improper use and neglect?

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object. I would like to hear from the gentleman from Tombigbee. [Laughter.]

Mr. CANDLER. The facts in relation to this bill were fully submitted to the Agricultural Department and thoroughly considered by the Secretary of that department. He recommended, as is contained in the report, that a reasonable sum be appropriated to pay for the horse.

Mr. MANN. Does not the gentleman think that the committee ought to comply with that recommendation and put an appropriation in the bill? If you pass this bill 40 times it would not give the man any money.

Mr. CANDLER. That can be avoided very easily.

Mr. MANN. It can not be avoided unless an amendment is offered.

The Clerk read the following amendment:

On page 1, line 5, strike out the words "two hundred" and insert the words "one hundred and thirty-five."

The amendment was agreed to.

Mr. CANDLER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "pay," insert the words "out of any money not otherwise appropriated."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LLOYD L. R. KREBS.

Mr. HAY. Mr. Speaker, since the bill H. R. 7142, in relation to appointing Lloyd L. R. Krebs a captain in the Medical Corps, was passed, I have in my hand now a similar bill passed by the Senate. I ask unanimous consent that the proceedings with reference to that bill may be vacated and that the Committee on Military Affairs may be discharged from the consideration of the Senate bill, and that the Senate bill be substituted for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

An act (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, to be a major of the Medical Corps on the retired list of the Army. And the retired list is hereby increased by one for the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 7142 was ordered to lie on the table.

J. M. H. MELLON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 20873) for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Sevid, J. M. H. Mellon,



Bessie Blue, Mrs Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Marlin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, with interest thereon from July 1, 1907, to J. M. H. Mellon, administrator, the sum of \$3,001.52, to James A. Mellon the sum of \$2,002.70, to Thomas D. Mellon the sum of \$1,258.03, to Mrs. E. L. Sevid the sum of \$366.75, to J. M. H. Mellon the sum of \$151, to Bessie Blue the sum of \$75, to Mrs. Simpson the sum of \$13.80, to Annie Turley the sum of \$47.15, to C. B. Eyler the sum of \$437, to Luella C. Pearce the sum of \$918.70, to John McCracken the sum of \$63.25, to A. J. Mellon the sum of \$821.84, to J. J. Marlin the sum of \$51.75, to Eugene Richmond the sum of \$36.80, to the Springdale Methodist Episcopal Church the sum of \$270, to Heidekamp Mirror Co. the sum of \$7,057.21, to James P. Confer, jr., the sum of \$28.75, to W. P. Bigley the sum of \$552, to W. J. Bole the sum of \$330.75, and to S. A. Moyer the sum of \$34.50, as compensation for the injuries sustained by them by reason of a flood in the Allegheny River in January, 1907, said principal sums being the amounts recommended to be paid the parties herein named by the Chief of Engineers, United States Army.

The following committee amendments were read:

Page 2, line 3, strike out the name "Sevid" and insert in lieu thereof the name "Sivard."

Page 2, line 14, strike out the name "Marlin" and insert in lieu thereof the name "Martin."

Page 2, line 23, strike out the word "and."

Page 2, after the word "cents," in line 24, insert the following: "and Albert Weiss the sum of \$59.38."

Page 1, line 6, strike out "with interest from July 1, 1907."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

SPARROW-GRAVELY TOBACCO CO.

Mr. POUL. Mr. Speaker, I ask unanimous consent to recur to Calendar No. 102, the bill (H. R. 18213) to refund to the Sparrow-Gravelly Tobacco Co. moneys erroneously paid for the purpose of altering an amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. POUL. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, lines 5 and 6, strike out the words "directed to be refunded to be" and insert in lieu thereof the words "appropriated out of any money in the Treasury not otherwise appropriated and reimburse."

And, in lines 6 and 7, strike out the words "from the Treasury of the United States" and insert the words "the sum aforesaid having been erroneously paid by said company to the United States Government."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN C. SULLIVAN.

The next business on the Private Calendar was the bill (H. R. 18294) for the relief of John C. Sullivan.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

HENRY W. CARPENTER.

The next business on the Private Calendar was the bill (H. R. 12476) for the relief of Henry W. Carpenter.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let it go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

HARRY S. WADE.

The next business on the Private Calendar was the bill (H. R. 15181) for the relief of Harry S. Wade.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask a question. Is the man not entitled to receive or has he received compensation under the general compensation act?

Mr. LAFFERTY. He is entitled to receive compensation for one year at the rate of \$53 a month, which will amount to \$636.

Mr. MANN. He is entitled to receive compensation under the general act.

Mr. LAFFERTY. Not compensation in full, but \$636.

Mr. MANN. Whatever it is.

Mr. LAFFERTY. The fact is that this young man—

Mr. MANN. I do not propose the facts at this time. The fact is that this is the first bill that has been reported in which it is proposed to pay a man for personal injuries where he

already had received compensation under the original act. If this bill passes, every man who receives an injury under the Government, having received some compensation, will thereupon ask a Member of Congress to introduce a bill for him. It will require discussion at some other time.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let it go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

THEODORE SALUS.

The next business on the Private Calendar was the bill (H. R. 13938) for the relief of Theodore Salus.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Theodore Salus, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 for the loss of his eyes and other physical injuries received by him in an explosion at Agana, island of Guam, on February 12, 1906, while he was in the employ of the Government of the United States and in the discharge of his duties as a foreman of labor at the town of Agana, island of Guam, as aforesaid.

With the following committee amendment:

Line 6, strike out the word "five" and insert in lieu thereof the word "three."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY E. QUINN.

The next business on the Private Calendar was the bill (H. R. 644) for the relief of Mary E. Quinn.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary E. Quinn, whose husband, James H. Quinn, was fatally injured by an accident at the Watertown Arsenal, Watertown, Mass., on July 10, 1905, out of the Treasury of the United States, from any money not otherwise appropriated, the sum of \$5,000.

With the following committee amendments:

Line 7, strike out the word "five" and insert the word "three."

Line 9, strike out the words "five thousand" and insert the words "one thousand five hundred."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the committee, I see, reports an amendment to strike out \$5,000 and insert in lieu thereof \$1,500. I shall take my chances on that amendment being agreed to in the absence of my genial friend from Tennessee [Mr. AUSTIN].

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN JOHNSON.

The next business on the Private Calendar was the bill (H. R. 14333) for the relief of John Johnson.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Johnson, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, which sum is hereby appropriated, for permanent injuries sustained by said John Johnson at White Shoals Government Light Station, Lake Michigan, first district, on June 29, 1909.

With the following committee amendment:

Line 6, strike out the word "five" and insert in lieu thereof the word "one."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 9, strike out the words "first district," and in line 8 strike out the word "Government."

The SPEAKER pro tempore. The question is on agreeing to the amendments offered by the gentleman from Illinois.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK WENZEL.

The next business on the Private Calendar was the bill (H. R. 16621) for the indemnification of Frank Wenzel.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Frank Wenzel, former employee of the Treasury Department, the sum of \$5,000, to indemnify him for permanent personal injuries received by him December 6, 1895, by reason of the defective condition and management of the passenger elevator in the Government building in the city of Toledo, county of Lucas, and State of Ohio.

With the following committee amendment:

Lines 6 and 7, strike out the words "five thousand" and insert in lieu thereof the words "seven hundred and fifty."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I ask to have the spelling of the word "Toledo," in line 11, corrected.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 11, correct the spelling of the word "Toledo."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

H. C. OWENS.

The next business on the Private Calendar was the bill (H. R. 22863) for the relief of H. C. Owens.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the sum of \$10,000, for the benefit of H. C. Owens, who lost his eye as the result of injuries received on the 30th day of April, 1908, by being struck by the arm of a steam shovel on a train of the Isthmian Canal Commission, at San Pablo Cabin, belonging to the United States and being operated on the Panama Railroad at San Pablo Cabin, in the Canal Zone, be hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be paid to H. C. Owens by the Secretary of the Treasury immediately upon the approval of this act.

With the following committee amendment:

Line 3, strike out the words "ten thousand" and insert in lieu thereof the words "two thousand five hundred."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask a question. The general law on this subject became a law on May 30, 1908. This man was injured on April 30, 1908, which is 30 days before the general law took effect. If he had been injured 31 days after he was he would have received compensation under the general law. Is the gentleman prepared to say how much that would be?

Mr. WILLIS. Mr. Speaker, I am not prepared to say exactly how much it would be. I presume it would be a year's pay, whatever that would be. I do not know what the pay per month was.

Mr. MANN. I will ask the gentleman whether, irrespective of this case, he believes it ought to be the policy of the Government, when it passes a law beneficent in its purpose and a man could secure compensation under that, to pay him twice as much because the accident happened just before the law took effect?

Mr. WILLIS. Mr. Speaker, in response to that I want to say that it is doubtful in my mind whether this man would have been entitled to compensation even though he had been injured, as the gentleman from Illinois suggests, 31 days later, because the circumstances of this case are peculiar. This man was in the employ of the Panama Railroad. He was injured not through any fault of any employee of the Panama Railroad, so he has no relief as against the railroad company. He was injured through the negligence of certain people in the employ of the Isthmian Canal Commission.

Mr. MANN. The railroad can pay him. The claim is, however, that he was injured by the Government.

Mr. WILLIS. He was injured by the employees of the Isthmian Canal Commission. This man has entirely lost his sight. He was a conductor, a railroad man, before he went on the Isthmus, and since coming back has been unable, of course, to secure employment in that work. He is totally and permanently disabled for that kind of work. It seems to me, in view of that, that the allowance made by the committee of \$2,500 for the total loss of sight is not unreasonable.

Mr. MANN. The gentleman can go out here to various institutions and find many people who are totally disabled. He can

find plenty of people in the District of Columbia who are totally disabled as far as eyesight is concerned, and yet I have not heard that that was a reason why the Government should make appropriations in order to pay them. There is no pretense in this case, I can see, that anybody was negligent in the matter.

Mr. WILLIS. Oh, yes; I think I can show the gentleman—

Mr. MANN. I have been over the record thoroughly.

The SPEAKER pro tempore. Is there objection?

Mr. WILLIS. I hope the gentleman will not object.

The SPEAKER pro tempore. The Chair hears none.

The Clerk reported the committee amendment, as follows:

Page 1, line 3, strike out the words "ten thousand" and insert in lieu thereof the words "two thousand five hundred."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

TRANQUILINO LUNA.

The next business on the Private Calendar was the bill (H. R. 19819) to authorize the payment of \$2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill go over.

WILLIAM F. NORRIS.

The next business on the Private Calendar was the bill (H. R. 3668) for the relief of William F. Norris.

The bill was read.

Mr. MANN. Let the bill go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

SLAVO RAMADANOVITCH.

The next business on the Private Calendar was the bill (S. 462) for the relief of Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased, formerly a Montenegrin subject, the sum of \$6,396, recommended by the President in his message to Congress dated July 5, 1909.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I do not think there is very much merit in this bill. It has been recommended by several Secretaries of State; however, I am not going to object.

Mr. POU. I will state to the gentleman that the committee gave this bill very careful consideration, and I do not hesitate to say it is an entirely meritorious bill, so much so that the President of the United States felt constrained to recommend the appropriation of this money in a message, and the committee thinks it will promote the relations between the two countries if the recommendation of the President be followed.

Mr. MANN. I believe this bill is the result of the pernicious, if not the persistent, activities of some of the gentlemen who represent foreign countries here and have little else to do. They got a report from the Secretary of State and got a message from the President. I do not think there is any merit in the bill, but if it tends to promote foreign relations, which I do not think it does, I shall not object.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, just a moment. When was this message from the President sent to Congress?

Mr. POU. In 1909. I will state to the gentleman from Illinois it is perfectly clear—

Mr. MANN. If the gentleman wants to argue the facts, I am perfectly willing to do so, but I have not objected.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

RALPH E. HESS.

The next business on the Private Calendar was the bill (H. R. 12131) for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ralph E. Hess, of Visalia, Cal., the sum of \$150 in compensation for two horses lost while hired by the United States Geological Survey.

The SPEAKER pro tempore. Is there objection?



Mr. FOSTER. Mr. Speaker, this bill is for the pay of those horses that got away and were never heard of since. They must have been very valuable horses, because I see they got \$15 for 30 days' use of them. Does the committee know whether that is the full amount for the two horses?

Mr. MANN. The evidence showed this man hired these from some sort of a relative, and that if he had hired them from somebody else it would have cost a great deal more money. I was wondering why these two horses were figured at \$150 in California, when we have just provided \$135 for one in Mississippi.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY J. MANNING.

The next business on the Private Calendar was the bill (H. R. 7672) for the relief of Mary J. Manning.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary J. Manning the sum of \$334.49, being the amount of money paid by J. H. Mitchell as surety on the bail bond of one Thad Manning, which money was paid under a mistake of fact, the said Thad Manning being dead at the date for which judgment was rendered against his said surety, the said money having been collected by said J. H. Mitchell from said Mary J. Manning, the widow of said Thad Manning, by the sale of certain of her property, which had been conveyed by mortgage for the purpose of indemnifying the said surety, J. H. Mitchell.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM B. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 21760) for the relief of the estate of William B. Taylor.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

SAMUEL BUTTER & CO.

The next business on the Private Calendar was the bill (H. R. 20511) for the relief of Samuel Butter & Co.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Let it go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next bill.

ROBERT F. SCOTT.

The next business on the Private Calendar was the bill (H. R. 17355) for the relief of Robert F. Scott.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Let the bill go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next bill.

HEIRS OF VICTIMS OF FORT LAFAYETTE EXPLOSION.

The next business on the Private Calendar was the bill (H. R. 15594) for the relief of the heirs of those killed in the explosion at Fort Lafayette, February 19, 1903.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs and legal representatives of those who were killed in the employ of the United States in the discharge of their duties on the 19th day of February, 1903, at Fort Lafayette, in the harbor of New York, by the explosion of an 8-inch shell, the respective sums hereinafter stated, being a sum equal to one year's pay, or a part thereof, at the rate of compensation paid the injured employee at the time of his injury, the same being in full, and the receipt of the same being taken and accepted in each case as full and final release and discharge of the respective claims, namely:

To pay \$895.20 to the heirs or legal representatives of William Van Gorp.

To pay \$895.20 to the heirs or legal representatives of Gustav Doser.

To pay \$895 to the heirs or legal representatives of John Mason.

To pay \$895.20 to the heirs or legal representatives of Frederick Munder.

To pay \$730 to the heirs or legal representatives of James Clancy.

To pay \$1,209.60 to the heirs or legal representatives of John Rother: *Provided*, That where the deceased left a widow and children the widow shall receive one-half, and the children shall share alike.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask some gentleman in reference to this bill. It just provides for the payment of money to the heirs and legal representatives of those who were killed. That is general language. If the legal representatives are heirs, that possibly could be done, but I do not see how it could be. Then, when it gets over in the bill farther it names the amounts and provides that the money shall be paid to the heirs of the legal representatives. A legal representative should be the administrator. If this is paid to the legal representatives, it may be applied in the payment of a debt.

Mr. CANNON. Ought not "legal representatives" be stricken out all through?

Mr. MANN. I am calling this to the attention of the House in the hope that whoever is interested in the bill before it gets through and is made a law will have it fixed so that somebody can have the money. I do not think the department will be entitled to determine.

Mr. CANNON. Will the gentleman yield? Have we ever appropriated in these injury cases to pay the debts of the party?

Mr. MANN. We never have attempted to do that. I guess it would be as well to strike out "legal representatives" and do it the other way.

Mr. GREEN of Iowa. There would be no objection to that as far as that is concerned.

Mr. MANN. I move to strike out, on page 1, line 5, the words "and legal representatives."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, lines 5 and 6, by striking out the words "and legal representatives."

The amendment was agreed to.

Mr. MANN. Then I move to strike out, on page 2, wherever they occur, the words "or legal representatives."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 2 strike out wherever they occur the words "or legal representatives."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLAIMS OF SETTLERS, SHERMAN COUNTY, OREG.

The next business on the Private Calendar was the bill (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I ask to have that go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

HEIRS OF WILLIAM HANNUM.

The next business on the Private Calendar was the bill (H. R. 14748) to refund certain taxes paid by the heirs of William Hannum, deceased.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. This is one of the bills of the kind that we had up a while ago. There is no use in reading it.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOSTER] objects.

BOLOGNESI, HARTFIELD & CO.

The next business on the Private Calendar was the bill (H. R. 21403) for the relief of Bolognesi, Hartfield & Co.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I think that should go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

J. KENNARD & SONS CARPET CO.

The next business on the Private Calendar was the bill (S. 4007) for the relief of the J. Kennard & Sons Carpet Co.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. POUL. Mr. Speaker, I ask that that be passed over.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. POUL] objects.

JOHN T. HAINES.

The next business on the Private Calendar was the bill (S. 4778) to correct the military record of John T. Haines.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let that go over, too.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

LEGAL HEIRS OF A. G. STRAIN.

The next business on the Private Calendar was the bill (S. 2427) for the relief of the legal heirs of A. G. Strain.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Commissioner of the General Land Office be, and he is hereby, authorized to relinquish to the legal heirs of A. G. Strain, by proper deed of conveyance, all title which the said A. G. Strain had vested in the United States Government to the following-described lands: North half northeast quarter and north half northwest quarter, section 22, township 4 north, range 15 west, San Bernardino meridian, in the county of Los Angeles, State of California: *Provided,* That the said heirs of A. G. Strain make satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title, together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

H. C. HODGES, H. A. POWELL, JOHN SMITH, AND JOSEPH RIDLEY.

The next business on the Private Calendar was the bill (H. R. 20692) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

H. J. RANDOLPH HEMMING.

The next business on the Private Calendar was the bill (H. R. 21526) for the relief of H. J. Randolph Hemming.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I ask to have that go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

ELLEN M. STONE.

The next business on the Private Calendar was the bill (H. R. 21461) to provide for the repayment of the ransom of Ellen M. Stone.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have that passed over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

Mr. SHARP. Mr. Speaker, may I ask the gentleman to withhold his objection for a moment?

Mr. MANN. For the purpose of making a speech on the bill?

Mr. SHARP. Just a moment, in which to make an explanation.

Mr. MANN. Well, that might require me to make a speech of 15 or 20 minutes.

Mr. GREEN of Iowa. Mr. Speaker, I would like to state that the bill has been drawn on the wrong supposition as to the parties. It will have to be remodeled anyway.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. MANN] withhold his objection?

Mr. MANN. I do not.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

GEORGE P. HEARD.

The next business on the Private Calendar was the bill (H. R. 23080) for the relief of George P. Heard.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I ask, Mr. Speaker, that that go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

JOHN J. TROXELL.

The next business on the Private Calendar was the bill (H. R. 5135) to correct the military record of John J. Troxell.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, usually these bills recently have given a man a pensionable status. This proposes to revoke an order which dismissed him. The fact is, the man got into a row with Gen. McCook.

Mr. GARNER. Some one has suggested that the President has vetoed a number of bills of this character.

Mr. FOSTER. He has vetoed bills where it changed the record. I have never known the President to sign a bill where it

changes the record in the War Department. This provides for giving this man an honorable discharge, which he has not now.

Mr. PEPPER. It is not a case of desertion, and it is the desertion cases that have been vetoed.

Mr. FOSTER. I remember distinctly that I had a bill that passed the House twice without opposition, went through the Senate, and went to both Presidents that we have had within the last few years, and they both vetoed the bill.

Mr. WILLIS. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman.

Mr. WILLIS. The bill is in the form which I understand would meet the objections raised to the other bill. What the gentleman refers to is the objection which the Chief Executive had to attempting to falsify the record of the War Department. There is no attempt to change the record here.

Mr. MANN. Why not? It says that the order is revoked and set aside.

Mr. WILLIS. The record still stands there.

Mr. MANN. This purports to set aside the record.

Mr. GARNER. Let me ask the gentleman. The object, I suppose, is to get this man a pensionable status?

Mr. WILLIS. Certainly.

Mr. GARNER. Then why not put it in the form used recently to remove the impediment for securing a pension?

Mr. MANN. I think this bill had better go over, and I object.

GASTON LEE HOLMES.

The next business on the Private Calendar was the bill (H. R. 14007) authorizing the President to reinstate Gaston Lee Holmes as a midshipman in the United States Naval Academy.

Mr. MANN. Let that bill go over.

JOHN W. WEST.

The next business on the Private Calendar was the bill (H. R. 6544) for the relief of the heirs of John W. West, deceased.

Mr. BURKE of South Dakota. Let that bill go over.

LUTHER BURBANK.

The next business on the Private Calendar was the bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank, under certain conditions.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there be set aside for a period of five years such portions of the unappropriated, nonmineral, and nonirrigable unreserved lands situated in California, New Mexico, Arizona, and Nevada as Luther Burbank, of Santa Rosa, Cal., may select, not to exceed 12 sections in all, and the right to enter the same and propagate the spineless cacti thereon, erecting all necessary improvements, and clearing and tilling the soil thereof, be granted the said Luther Burbank, his heirs, and successors in interest.

SEC. 2. That the Secretary of the Interior be directed to issue patent from the United States to the said Luther Burbank, his heirs, or successors in interest, for all or any legal subdivision of the said lands so set aside upon the payment of \$1.25 per acre, or \$2.50 per acre if the same be reserved sections within any railroad grant, as purchase price, provided said payment is made within the said five years: *Provided,* That no patent shall issue until the said Luther Burbank or his heirs or successors in interest shall have had at least 100,000 growing plants of spineless cacti of a character suitable for animal food upon said lands or some part thereof for the period of two years: *Provided further,* That the land selected shall be approved by the Secretary of the Interior, and that the Commissioner of the General Land Office shall certify as to the semiarid, nonmineral, nonirrigable, and unsuitable character of the said lands for agricultural purposes under present methods of agriculture before the same shall be set aside as herein provided, and that said certificate shall be conclusive as to the character of said lands.

The Clerk read the following committee amendments:

On page 1, line 4, after the word "unappropriated," add a comma.

On the same line, after the word "nonmineral," strike out the word "and" and insert "nontimber." On the same line, after the word "nonirrigable," insert the word "and."

On page 1, line 5, before the word "land," insert the word "public."

On page 1, line 13, strike out the words "from the United States."

On page 2, at the end of line 10, after the word "years" and before the colon, insert the following: "and until it has been shown to the satisfaction of the Secretary of the Interior that the lands to be patented are suitable for the growth of spineless cacti valuable for domestic animal food."

On page 2, in line 12, strike out the words "and that" after the word "Interior" and insert the word "when."

On page 2, in line 13, strike out the words "as to the" before the word "semiarid" and insert the following words: "to the Secretary of the Interior is."

On page 2, line 14, after the word "nonirrigable," insert the words "nontimbered, unreserved," and strike out the words "the character of said land" in lines 14 and 15.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

E. ROSENWALD & BRO.

The next business on the Private Calendar was the bill (H. R. 20124) for the relief of E. Rosenwald & Bro.



The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to E. Rosenwald & Bro. the sum of \$4,922.85, which sum is hereby appropriated, being the amount of money unlawfully collected from said E. Rosenwald & Bro. upon an entry covering 186 bales of unstemmed wrapper tobacco, made upon June 1, 1909, and liquidated upon October 4, 1909.

Such liquidation was unlawfully made and said duty unlawfully levied, assessed, and collected upon 2,660.51 pounds of tobacco more than the actual amount of said entry upon proper allowance for tare.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### MEETING OF THE HOUSE NEXT WEEK.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that when the House adjourns on Monday next it adjourn to meet on Thursday, June 27, and that when it adjourns on Thursday, June 27, it adjourn to meet on Monday, July 1.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that when the House adjourns on Monday next it be to meet on Thursday, June 27, and that when it adjourns on Thursday, June 27, it be to meet on Monday, July 1. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, can we have an understanding among those who are here that the House after Monday next until the following Monday will transact no business whatever except the reading of the Journal?

Mr. UNDERWOOD. And the motion to adjourn. That is the purpose. My purpose is if this is agreed to, to do that, except that on Monday next we will transact such business that may come up.

Mr. MANN. Monday is District day, and if they have any business we can transact that. Otherwise I guess we will have no business.

Mr. CANNON. Mr. Speaker, I want to suggest to the gentleman from Alabama that under this order we will adjourn from Thursday next until the day the new fiscal year begins. Public service will stop unless some provision is made for it. It seems to me, as there is to be a practical adjournment during that time there ought to be a resolution extending the appropriations, as is usual in such case, for 15 or 30 days, as the case may be, or until further order.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Illinois that as far as the House is concerned the appropriation bills are in the Senate, and the House, I think, could have disposed of the appropriation bills before the 1st day of July if the Senate had acted upon them, but the Senate has already agreed not to transact any business whatever until the 1st day of July. Therefore, if we send a resolution of the kind referred to to extend appropriations for the next fiscal year it would accomplish no result.

Mr. CANNON. Had we not better throw the responsibility on the Senate?

Mr. MANN. I would suggest to my colleague that if they desire to do that, of course, it could be done to-morrow or upon Monday.

Mr. UNDERWOOD. Yes; there is an opportunity to do so, but I do not see that anything will be accomplished by it as the Senate has already agreed to transact no business.

Mr. CANNON. It is perfectly patent that without violating the law all along the line, with the exception of here and there a permanent appropriation and with certain exceptions touching the Army and Navy, that the public service will stop unless, as I say, everybody is guilty of serious infraction of the law.

Mr. GARNER. But the point the gentleman suggests is that the Senate has agreed by unanimous consent to transact no business until the 1st day of July. A resolution of the character suggested by the gentleman from Illinois could not meet with any action on the part of the Senate under that unanimous-consent agreement. Therefore, it would be useless for us to pass that kind of a resolution at this time.

Mr. CANNON. It seems to me that the resolution ought to pass. In other words, all public business stops on the 1st day of July unless an appropriation is made to continue it.

Mr. GARNER. But the Senate will meet on the 1st day of July and the House will meet on the 1st day of July. A resolution of that kind could be passed through each of them on that day, if it was deemed advisable.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. Mr. Speaker, I suppose the gentleman intends to move to adjourn after that request is agreed to?

Mr. UNDERWOOD. There is a unanimous-consent request over on this side, and I wish to also ask unanimous consent that when the House adjourns to-day it adjourn to meet to-

morrow at 10 o'clock, so as to accommodate certain gentlemen who have some very important business to be transacted later in the afternoon.

Mr. MANN. The business in order to-morrow ought not to take very long, and I do not see any necessity for meeting before 12 o'clock.

Mr. CANNON. Oh, we will be away from here by 4 o'clock.

Mr. UNDERWOOD. I will ask the Chair to submit my request.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that when the House adjourns on Monday next it adjourn to meet on the following Thursday, and that when it adjourns on that day, the 27th, it adjourn to meet the following Monday, July 1. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. I would now like to see if I can agree with the gentleman from Illinois about meeting to-morrow morning. There is yet about a page and a half of this Private Calendar.

Mr. MANN. But that is not in order to-morrow.

Mr. UNDERWOOD. Oh, yes; it is in order under the rule.

Mr. MANN. No; pension business is in order to-morrow.

Mr. UNDERWOOD. If the pension bills are disposed of, then this would be in order.

Mr. MANN. I do not think so.

Mr. UNDERWOOD. I remember very clearly the request I made that this matter should be in order, not to interfere with pension bills, on any day this week.

Mr. MANN. It is not material. I do not expect we shall spend very much time on the Private Calendar to-morrow outside of pension bills. We will have plenty of time to go through the Private Calendar before we adjourn and dispose of these matters.

Mr. SIMS. Mr. Speaker, I have a resolution, which I am very anxious to have passed, to send certain matters to the Court of Claims.

Mr. MANN. There is no hurry about that. That does not have to pass the Senate.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when we adjourn to-day we adjourn to meet to-morrow at 11 o'clock.

Mr. MANN. Mr. Speaker, we met this morning at 10 o'clock. I object.

#### OLMSTEAD LANDS, NORTH CAROLINA.

The SPEAKER pro tempore laid before the House the bill (H. R. 20738) for the transfer of the so-called Olmstead lands in the State of North Carolina from the Solicitor of the Treasury to the Secretary of Agriculture, with a Senate amendment thereto.

The Clerk read the Senate amendment.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the Senate amendment be agreed to.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### ALEXANDER HAMILTON STEPHENS.

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an address delivered by Hon. WILLIAM G. BRANTLEY, of Georgia, on the occasion of the unveiling of a tablet to the memory of Alexander Hamilton Stephens, of Georgia, by the Confederate Memorial Literary Society in Richmond, Va., May 22, 1912.

The SPEAKER pro tempore. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

#### ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17681. An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23765. An act granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy

and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 20323. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors;

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 101. Joint resolution to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution;

S. 3203. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.; and

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

#### ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned to meet to-morrow, Saturday, June 22, 1912, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 917), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOUSTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 21594) to appoint a commission to consider and report upon the general subject of the treatment of juvenile and first offenders, together with the best system of detention of Federal prisoners, reported the same with amendment, accompanied by a report (No. 919), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution (H. Res. 577) to investigate certain coal companies doing business in Two Harbors, Minn., reported the same without amendment, accompanied by a report (No. 918), which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PRAY: A bill (H. R. 25470) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 25471) to provide for the construction of a public building at Anoka, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. WATKINS: A bill (H. R. 25472) to amend section 801 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. KINKAID of Nebraska (by request): A bill (H. R. 25473) to provide small farm homes for worthy citizens of the United States; to the Committee on Rules.

By Mr. CARTER: A bill (H. R. 25474) to provide for the holding of two regular terms of the United States District Court for the Eastern District of the State of Oklahoma at Hugo, Okla.; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 25475) granting a pension to Ariadne Leak Andrews; to the Committee on Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 25476) granting a pension to George L. Mickle; to the Committee on Pensions.

Also, a bill (H. R. 25477) to remove the charge of desertion and grant an honorable discharge to James Kane; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 25478) granting a pension to Jane Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25479) granting a pension to Hannah Norwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25480) to correct the military record of James H. Thompson; to the Committee on Military Affairs.

By Mr. BATHRICK: A bill (H. R. 25481) granting an increase of pension to Francis J. Truesdell; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 25482) granting a pension to George A. Loughery; to the Committee on Pensions.

Also, a bill (H. R. 25483) for the relief of the heirs of Alexander Stalnaker; to the Committee on War Claims.

Also, a bill (H. R. 25484) for the relief of the heirs of Bryson Hamilton; to the Committee on War Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 25485) granting an increase of pension to J. W. Linsley; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25486) granting an increase of pension to Francis M. King; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 25487) granting a pension to James W. Scott; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 25488) for the relief of heirs or estate of Wilson W. Whitaker, deceased; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25489) for the relief of Daniel O'Riley; to the Committee on War Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 25490) granting a pension to George Uhl; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 25491) granting an increase of pension to Harriet G. Sangster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25492) granting an increase of pension to Samuel S. Jones; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 25493) granting an increase of pension to Nancy E. Hutcheson; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 25494) granting an increase of pension to William R. Clark; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 25495) granting an increase of pension to Joseph Phillips; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 25496) granting a pension to Mary White; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 25497) granting an increase of pension to James Wilkins; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Polish societies of the States of Indiana, Illinois, Ohio, New Jersey, Michigan, and Arkansas, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Polish Society No. 532, of Oswego, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of societies of the Polish Roman Catholic Union of America of the States of Michigan, Indiana, Illinois, Kansas, and New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ALLEN: Memorial of Episcopal Church Club, of Cincinnati, Ohio, favoring passage of bill for relief of Alaskan natives; to the Committee on the Territories.

Also, memorial of Order of Independent Americans, of the State of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of Pennsylvania Civil Service Reform Association, against passage of provision of section 5



In House bill 24023, relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. BARNHART: Memorial of St. Urban Society, No. 399, of Otis, Ind., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BROWN: Papers to accompany a bill for the relief of the heirs of Bryson Hamilton; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the heirs of Alexander Stollmaker; to the Committee on War Claims.

By Mr. CANNON: Memorial of Polish-American citizens of Chicago, Ill., and Polish National Alliance of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of Carl Brewer and 6 others, of Onarga; A. Sutton and 5 others, of St. Anne; W. Smith & Son and 10 others, of Milford; Wilson & West and 2 others, of Martinton; George Camps and 6 others, of Minooka; Arnold Harken Co. and 5 others, of Peotone; F. M. Wright Co. and 8 others, of Manteno; Hennessy & Spies and 8 others, of Chebanse; M. R. Meents & Sons and 14 others, of Clifton; O. L. Calkins and 9 others, of Momence; Trobaugh, Kraft & Wright and 1 other, of Gilman; Sterrenberg & Voigt and 2 others, of Crescent City; and Volberding Shoe Co. and 11 others, of Watseka, all in the State of Illinois, protesting against the enactment of proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of Pennsylvania Civil Service Reform Association, against passage of section 5 of House bill 24023, relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. DANIEL A. DRISCOLL: Petition of United Spanish War Veterans of New York City, favoring passage of House bill 17470, providing pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, memorial of Queen Hedwig Society, No. 393, of Buffalo, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Chamber of Commerce of Trenton, N. J., against passage of Senate bill 5458, relating to building bridge over the Delaware River near Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of Order of Railway Conductors of America, Division No. 175, of Memphis, Tenn., against passage of the proposed employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of C. A. Burrows, of Lancaster, Pa., favoring passage of House bill 13114, old-age pension bill; to the Committee on Pensions.

By Mr. GOEKE: Petition of 35 textile workers of Brunswick, Me., favoring passage of the Goeke postal-express bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILL: Memorial of Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, relative to building a bridge across the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the United Business Men's Association of Philadelphia, Pa., favoring passage of House bill 9242, relative to pensions for civil-service employees; to the Committee on Reform in Civil Service.

By Mr. HARDWICK: Papers in support of bill (H. R. 24940) granting an increase of pension to Mrs. C. A. Stovall; to the Committee on Pensions.

By Mr. LAFFERTY: Memorial of Pendleton Commercial Association, of Pendleton, Oreg., favoring the opening of the Columbia and Snake Rivers to navigation and the utilization of the machinery used in constructing the Panama Canal for the purpose; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Memorial of citizens of Danbury, Conn., and Bay Ridge, Brooklyn, N. Y., against passage of Senate bill No. 5458, relative to celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. MOORE of Pennsylvania: Memorial of Philadelphia Board of Trade, favoring appointment of a commission for the consideration of the questions involved in the further amendment of the patent law; to the Committee on Patents.

Also, memorial of Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill No. 5458, relative to locating bridge by Pennsylvania Railroad Co. near Trenton; to the Committee on Interstate and Foreign Commerce.

By Mr. REDFIELD: Memorial of Our Lady of Azenstochova Society, No. 259, of Brooklyn, N. Y., and Labor Council of

Greater New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of United Garment Workers of America, favoring passage of the seamen's bill No. 22673, relative to safety for crew and passengers on vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. REILLY: Memorial of Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, relative to placing of bridge by Pennsylvania Railroad Co. over the Delaware River near Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Bridgeport, Conn., against passage of the Burton-Littleton bill relative to celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of Wilson & West and 2 others, of Martinton; Arnold Harken Co. and 5 others, of Peotone; George Camps and 6 others, of Minooka; F. M. Wright Co. and 8 others, of Manteno; Hennessy & Spies and 8 others, of Chebanse; M. R. Meents & Son and 10 others, of Clifton; L. W. Calkins and 9 others, of Momence; Trobaugh, Kraft & Wright and 1 other, of Gilman; Sterrenberg & Voigt and 2 others, of Crescent City; and Volberding Shoe Co. and 11 others, of Watseka, all in the State of Illinois, praying for the enactment of legislation giving the Interstate Commerce Commission control over express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition on behalf of 401,658 soldiers and sailors of the Spanish-American War, favoring passage of House bill 17470, for granting pensions to widows and orphans of same; to the Committee on Pensions.

By Mr. SABATH: Memorial of Polish Societies of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SAMUEL W. SMITH: Memorial of Jewish Community of Detroit, Mich., against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of United Spanish War Veterans of New York City, favoring passage of House bill 17470, relative to pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, memorial of Philadelphia Chamber of Commerce, of Philadelphia, Pa., favoring the extension of the merit system to the Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. WEBB: Petition of Council No. 69, Junfor Order United American Mechanics, of North Carolina, and Daughters of Liberty of North Carolina, both favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Order of Railway Conductors of America, Division No. 175, of Memphis, Tenn., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, memorial of Brooklyn Chapter of American Institute of Architects, against the repeal of the Tarnsey Act by the sundry civil bill; to the Committee on Appropriations.

Also, petition of Daughters of Liberty of New York City, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

## HOUSE OF REPRESENTATIVES.

SATURDAY, June 22, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for that never-failing providence which has shaped and guided the destiny of Thy children from savagery through barbarism to civilization; which in spite of the untoward circumstances of life, in spite of the efforts of men, unwittingly it may have been, to turn back the tide of civilization, it has steadily moved forward, and we most fervently pray that Thou wilt continue to protect, bless, and guide us that Thy kingdom may come and Thy will be done in earth as it is in heaven. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

### PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that all private pension bills to be considered to-day on the calendar be considered in the House as in the Committee of the Whole.